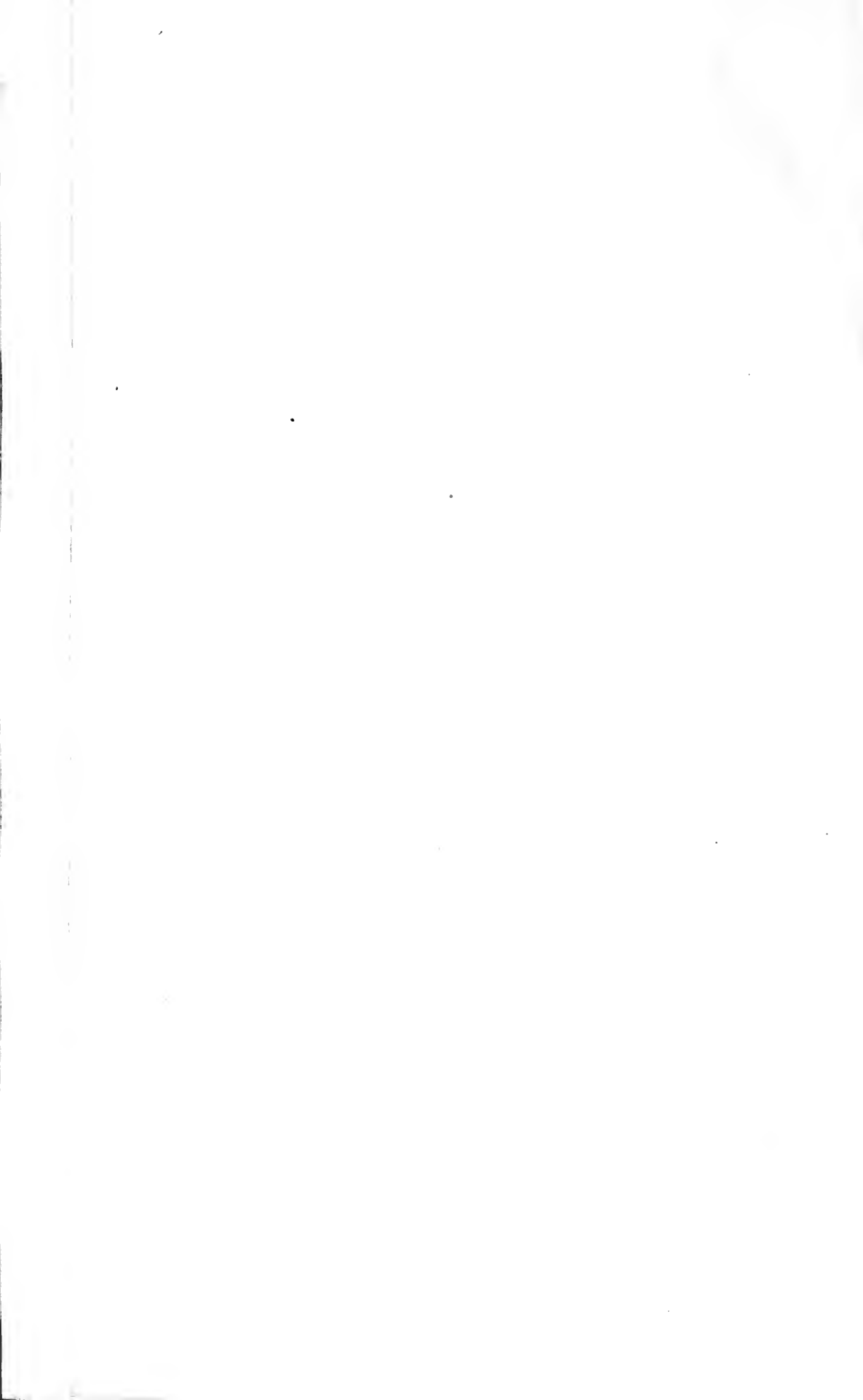






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JOURNAL
OF THE
HOUSE OF REPRESENTATIVES
OF THE
STATE OF INDIANA,
DURING THE
THIRTY-SIXTH SESSION
OF THE
GENERAL ASSEMBLY,
COMMENCING DECEMBER 1, 1851.

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SENTIMENTS OF A PRACTICAL EMANCIPATIONIST—REV. MR. M'CLUNG'S
ADDRESS.

In concluding this answer we are enabled to place on record the sentiments of a southern gentleman of reputation, who has emancipated his slaves, and removed to the north, and is now in pastoral charge of the first Presbyterian church in this city.

A short time past the friends of the colonization enterprize held a mass meeting in the State House; on which occasion they were addressed by some of our eminent statesmen, and it was on that occasion that Rev. J. A. McClung, formerly of Kentucky, expressed the following sentiments, which being so much to the point, I have obtained a brief for publication:

MR. MCCLUNG commenced by observing that all Europeans who had traveled amongst us, had charged us with an overweening national vanity, although as individuals, they regarded us at least upon a level with other nations, in all the kindly and amiable personal qualities. Yet many of them qualified the remark by confessing that we had a vast deal, as a nation, to be proud of, and if we were not lifted up in our own estimation, it would be truly wonderful. All, however, who have regarded us, whether friends or enemies, have agreed that there is a dark thread in the woof of our destiny, which threatens disaster and death, unless warded off by some timely and powerful remedy. He desired to preface the subject of colonization by bringing before the audience two considerations, which would prepare us properly for considering the subject. One was the very remarkable change in public opinion on slavery, within the last hundred years. Another was the remarkable ignorance of the merely political consequences of slavery at the time of the adoption of the Federal Constitution.

Under the first head Mr. McClung took a rapid survey of the condition of public opinion on the slave trade; a century ago, when the English Parliament was publicly congratulated in a speech from the throne, upon their having obtained a *monopoly* of the slave trade to the Spanish colonies,—when sixty ships would sail from Liverpool in one season, laden with *shackles* and *toys* for the coast of Guinea, and when all the States of this Union, in their colonial condition, were slave holding colonies, and all engaged, directly or indirectly, in the slave trade. He rapidly reviewed the gradual change as manifested by the abolition of the slave trade, and the gradual abolition of slavery almost every where, save in Cuba and the slave States of the Union; and stated that *public opinion* was still slowly but steadily undermining the institution, and in conjunction with other causes, would probably accomplish its fall.

Under the second head he referred to the speeches of Southern statesmen in the Madison Papers, as an evidence of the ignorance then existing among able Southern statesmen of the injurious effect exerted upon population, by the institution. They evidently supposed that the South would eventually be more populous than the North, because their territory was more extensive. It is now well understood in the South, that slavery exercises an injurious effect upon population, in the country as well as in town, and that towns and cities do not flourish in a slave country, save under very favorable circumstances. He then adverted to the fact that the slaves increased with prodigious rapidity, and showed it by the reports of the census; while slave territory did not, and in all probability would not, increase any more, as no more slave territory would be added to the Union. He then entered into statistical details to show that the inevitable result would be a great depreciation in the value of slaves within twenty-five years; and before a half century expired, their numbers would be so frightfully increased, while the *territory* within which they would be employed, would be so impaired in fertility, that the most dreadful consequences might justly be apprehended. "Give me more room to spread, or I perish," was the cry of the South. "Not another square mile," was the reply of the North. Expeditions to Cuba, insurrections in Mexican regions adapted to slave labor, were the shadows of coming events of more magnitude, and of portentous character. What was to be the final result, he could not say; but in no light did it bode anything but evil.

Now one consequence of all these things, was a rapidly increasing emancipation of

slaves in slave States. He entered into statistical details to show that in Maryland, Delaware and Kentucky, emancipation was rapidly increasing, and in all probability as the evils of slavery became more pressing, would increase still more rapidly. Now, then, emancipated slaves were very *uneasy* in slave States, and there was a constant stream flowing northward. In Indiana, they were received as enemies, with closed ranks and levelled bayonets. Then they were driven from the slave to the free States, and by the free States were driven back upon the slaves. "The Barbarian drives us upon the sea, and the sea drives us back upon the Barbarian."

Mr. McClung contended that the free black population of the Northern States were more wretched than the slaves of the South, from the fact that they felt more acutely their degradation, and showed that the slaves of the South increased nearly four times as rapidly as the free blacks of the Northern States. He referred to Ireland and the Turkish Provinces as an evidence that *suffering* was one cause of a slow increase, and even produced decrease. He gave instances of free blacks who had acquired wealth, and yet were wretched because they found themselves driven to herd with *slaves*, or else abide alone, and brook the scorn and disgrace which their color imposed. He contended that all the States were responsible for the existence of slavery, and particularly adverted to the fact that the slave trade for twenty years had been engrafted into the Constitution of the United States, against the solemn remonstrance of George Mason, of Virginia, by the united votes of *all the States*,—the New England States being *forward* and zealous in adopting it. He contended that Indiana, by her Constitution, had fixed a *brand*, a *Cain-like* mark upon the free black, within her border, and ought, in common charity and good policy, to aid him in going to Liberia, where he could have a *motive to exertion*, and a *hope to rise*. What motive had the free black to exertion here? Could all the virtues of humanity wash away the *only crime* which condemned him to scorn and disgrace? In Liberia he could be happy, and honorable, and useful. Here he must be wretched and disgraced.

Mr. McClung took a review of the colony of Liberia, and contended that its progress surpassed that of any colony with whose history we were minutely acquainted, and that civil and religious freedom was more firmly established there than in any European continental government, and as an evidence of the fact, he showed that justice was regularly administered, all officers elected by universal suffrage, and taxes collected in a regular and orderly manner, without a standing army and without tumult or confusion. He adverted to the fact that the *trade* of Liberia was already of some importance, was rapidly growing, and if she increased as rapidly, as she certainly would if the States would pursue a liberal policy with regard to their free blacks, that the profit of the trade with her alone, would tenfold repay all expense of settlement. Great Britain settled colonies at vast expense merely as a nursery for shipping and a market for manufactory. Liberia did now and always would give us the preference over all other nations.

Lastly, he dwelt upon it as a grand missionary enterprise, and entered into statistics to show that merely as a missionary enterprise, it surpassed all others in real and permanent efficiency, and that in the good Providence of God it seemed about to become the instrument of redeeming and regenerating the African continent. The sum proposed to be given was trifling, but would nevertheless effect great good, and would be most sensibly felt in its effects upon the colony.

We will now close this answer by quoting one of the resolutions submitted to the above mass meeting, by our excellent Governor, which embodies the policy of that State which "knows no north, no south, nothing but the Union," and which resolution was ably supported by Hon. R. D. Owen and others:

"*Resolved*, That Indiana, by her recent vote, not only decided in favor of *exclusion* of Negroes and Mulattoes, but likewise for the *colonization* of those among us; that she means by colonization, the proper appropriation and application of funds to accomplish what she desires—the gradual separation of the two races; that this separation is called for by all the principles of **CHRISTIANITY, HUMANITY, and FREEDOM**. Therefore the Representatives of the people of Indiana should take bold and decided ground on this question of American policy."

We hope that we will ever be found ready to suppress all issues between the north and the south, and equally firm to demand the right of all, and do the right to all men. If issues must arise let them be between America as a unit, and foreign powers that aspire to meddle with our institutions.

Respectfully submitted,
J. MITCHELL.

On motion by Mr. Torbet,
The report was laid on the table, and 500 copies ordered to be printed.

RESOLUTIONS OF THE HOUSE.

Mr. Hay of Clark offered the following resolution:

Resolved, That the use of this Hall be tendered to the Rev. B. K. Maltby on Monday evening next for the purpose of delivering an address on the employment of female teachers in the educational work of Indiana.

Which was not agreed to.

Mr. Beeson offered the following resolution:

Resolved, That the State Bank and branches be requested to report to this House the paid up capital of each branch, the amount of money by them loaned, and the interest thereon received; also, the amount of bills of exchange sold by them, stating the amount of discount and exchange realized from such transactions, for the period of two years last past.

Which was not agreed to.

On motion by Mr. Smith of Marion,

Resolved, That the committee on Ways and Means be instructed to report a bill to provide for the sale of the State's stock in the State Bank of Indiana, and apply the same to the payment of the interest and principal of the State debt.

On motion by Mr. Nelson,

No. 108. A bill regarding the administration of estates of the value of five hundred dollars or less;

Was taken from the table.

The question being, shall the bill pass?

By unanimous consent of the House,

At the suggestion of Mr. Owen,

The bill was amended by adding in the proper place "which may be exempted by the provisions of this act."

Mr. Dobson moved to commit the bill to the Judiciary committee with instructions to strike out all in the bill relative to mortgages;

Which motion did not prevail.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Brady, Bryant, Bulla, Carpenter, Chowning, Crawford, Dice, Doughty, Douthit, Eccles, Foster, Geddes, Goudy, Hanna, Hays of White, Henry, Holladay of Parke, Huey, Hunt, Leviston, Linsday of Howard, Litchfield, McConnell, McDonald, McDowell, Morris, Mudget, Nelson, Owen, Porter, Reynolds, Smith of Marion, Smith of Spencer, Stanfield, Stevens, Struble, Stuart, Suit, Sumner, Sweet, Thompson, Watson, Wells, Williams, and Wilson—48.

Those who voted in the negative were,

Messrs. Barker, Buskirk, Cockrum, Cowgill, Dobson, Donaldson, English, Gibson, Gookins, Graham, Hart, Hay of Clark, Helmer, Holman, Hostetter, Hudson, Huffstetter, Humphreys, King, Lavery, Lawrence, Lewis, Marrs, Mayfield, McAllister, Schoonover, Scudder, Shanklin, Stover, Taggart, and Mr. Speaker—31.

So the bill did not pass.

The hour having arrived, the House proceeded to the special order of the day

No. 139. A bill to authorize and regulate the business of general banking.

The question pending being on the adoption of the following amendment of Mr. McDowell:

Strike out of the 2d line of the 3d section the word "one," and insert "five."

Strike out section 31 and insert the following section:

It shall not be lawful for any association formed under the provisions of this act, to employ any broker to transact any business, or be concerned either directly or indirectly in any way whatever, with any broker, or in any brokerage business."

Strike out of the 32d section the words "twelve and a half," and insert "twenty-five."

Mr. Foster called a division of the question.

The question being put on the first branch of the amendment, viz: to strike out "one" and insert "five,"

The ayes and noes were demanded by Messrs. McDowell and Reynolds.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Bulla, Crawford, Dobson, Graham, Hart, Hays of White, Helmer, Huey, Huffstetter, McConnell, McDowell, Porter, Schoonover, Scudder, Struble, Taggart, Torbet, Wells, Williams and Wilson—23.

Those who voted in the negative were,

Messrs. Beeson, Behm, Brady, Bryant, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Cromwell, Dice, Donaldson, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Goudy, Hanna, Hay of Clark, Helmer, Henry, Hicks, Holladay of Parke, Hudson, Humphreys, Hunt, King, Laverty, Lawrence, Leviston, Lewis, Lindsay of Howard, Litchfield, Marrs, Mayfield, McAllister, McDonald, Miller, Morris, Nelson, Owen, Reynolds, Shanklin, Smith of Marion, Stanfield, Stevens, Stover, Stuart, Suit, Sumner, Sweet, Thompson, Watson, Withers, and Mr. Speaker—58.

So it was not agreed to.

By unanimous consent of the House,

At the suggestion of Mr. Stuart,

The bill was amended in the 3d section and 3d line, by adding at the proper place the word "dollar."

The question then being put on the 2d branch of the amendment, to strike out section 31, and insert a new section,

The ayes and noes were demanded by Messrs. McDowell, and Reynolds.

Those who voted in the affirmative were,

Messrs. Bulla, Buskirk, Crawford, Dobson, Douthit, Foster, Graham, Hart, Henry, Hicks, Holman, Humphreys, Laverty, McDowell, Porter, Schoonover, Scudder, Struble, Taggart, Torbet, Wells, and Withers—22.

Those who voted in the negative were,

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Carpenter, Chowning, Cockrum, Cowgill, Cromwell, Dice, Donaldson, Doughty, Eccles, English, Geddes, Gibson, Gookins, Goudy, Hanna, Hay of Clark, Hays of White, Helmer, Holladay of Parke, Hudson, Huey, Huffstetter, Hunt, King, Lawrence, Leviston, Lewis, Lindsay of Howard, Litchfield, Marrs, Mayfield, McAllister, McDonald, Miller, Morris, Nelson, Owen, Reynolds, Shanklin, Smith of Marion, Stanfield, Stevens, Stover, Stuart, Suit, Sumner, Sweet, Thompson, Watson, Williams, Wilson, and Mr. Speaker—59.

So it was not agreed to.

Mr. Hicks submitted the following amendment to the 3d branch of the amendment:

Strike out "25" and insert "33."

Mr. English moved to lay the amendment to the amendment, also the 3d branch of Mr. McDowell's amendment, on the table.

And the question being put;

The ayes and noes were demanded by Messrs. McDowell and English.

Those who voted in the affirmative were,

Messrs. Beane, Beeson, Behm, Brady, Bryant, Carpenter, Chowning, Cowgill, Cromwell, Dice, Dobson, Donaldson, Doughty, English, Geddes, Gibson, Gookins, Hanna, Hay of Clark, Henry, Holladay of Parke, Hudson, Humphreys, Hunt, King, Laverty, Lawrence, Leviston, Lewis, Lindsay of Howard, Litchfield, Mayfield, McAllister, McDonald, Miller, Owen, Reynolds, Shanklin, Smith of Marion, Stanfield, Stevens, Stover, Stuart, Suit, Sweet, Watson, Wilson, and Mr. Speaker—48.

Those who voted in the negative were,

Messrs. Barker, Beach, Bulla, Buskirk, Cockrum, Crawford, Doughty, Eccles, Foster, Goudy, Graham, Hart, Hays of White, Helmer, Hicks, Holman, Huey, Huffstetter, Marrs, McConnell, McDowell, Morris, Nelson, Porter, Schoonover, Scudder, Struble, Sumner, Taggart, Thompson, Torbet, Wells, Williams and Withers—34.

So the motion was agreed to.

Mr. Holman submitted the following amendment to section 6:

Amend as follows—

Strike out the word "or such other States of the Union as pay interest semi-annually, or at any less period, on their public debt."

Pending which,

On motion of Mr. McDowell,

The House adjourned to meet at 2 o'clock, P. M.

2 o'clock, P. M.

The House met.

On motion by Mr. Graham,

Leave of absence was granted Mr. Hostetter on account of sickness.

Mr. Behm moved a call of the House.

Which was ordered.

The clerk proceeded to the call, when the following members answered to their names, viz:

Messrs. Barker, Beane, Beeson, Behm, Brady, Bryant, Bulla, Carpenter, Chowning, Cowgill, Crawford, Cromwell, Dice, Dobson, Donaldson, Doughty, Douthit, Eccles, English, Foster, Geddes, Gibson, Gookins, Goudy, Graham, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay of Parke, Holman, Hudson, Huey, Huffstetter, King, Laverty, Lawrence, Leviston, Lindsay of Howard, Litchfield, Marrs, McAllister, McConnell, McDowell, Miller, Morris, Mudget, Nelson, Porter, Reynolds, Schoonover, Soudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Stevens, Stover, Struble, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Wells, Williams, Wilson, Withers, and Mr. Speaker.

On motion by Mr. Withers,

A further call of the House was suspended.

On motion by Mr. Shanklin,

Leave of absence was granted Mr. Holliday of Blackford, on account of sickness.

On motion by Mr. Hicks,

Leave of absence was granted Mr. Gunn, on account of sickness.

On motion by Mr. Thompson,

Leave of absence was granted Mr. Watson, on account of sickness.

The consideration of the special order, No. 139, was resumed:

The question pending being on the adoption of Mr. Holman's amendment,

And being put,

The ayes and noes were demanded by Messrs. Holman and Owen.

Those who voted in the affirmative were,

Messrs. Barker, Bulla, Dobson, Doughty, Douthit, English, Foster, Gibson, Graham, Hart, Hicks, Holman, Huffsteter, Leviston, McAllister, McDowell, Morris, Porter, Schoonover, Scudder, Shanklin, Struble, Taggart, Torbet, Wells, Williams and Withers—27.

Those who voted in the negative were,

Messrs. Beach, Beane, Beeson, Behm, Brady, Bryant, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Davis, Dice, Donaldson, Eccles, Geddes, Gookins, Goudy, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Holladay of Parke, Hudson, Huey, Humphreys, Hunt, King, Lavery, Lawrence, Lewis, Lindsay of Howard, Litchfield, Marrs, Mayfield, McConnell, Miller, Mudgett, Nelson, Owen, Reynolds, Smith of Marion, Smith of Spencer, Stanfield, Stevens, Stover, Stuart, Suit, Sumner, Sweet, Thompson, Wilson, and Mr. Speaker—55.

So the amendment was not adopted.

Mr. McDowell submitted the following amendment:

SEC. —. All banks formed under the provisions of this act shall be responsible for the payment of all labor performed by the State officers for said banks.

On motion by Mr. Hay of Clark,

The amendment was laid on the table.

Mr. Owen submitted the following amendment to the 6th section.

Provided, that whenever any State, whose stock is pledged in whole or in part for the redemption of its circulation shall fail or neglect to pay interest on such bonds or stocks semi-annually, or at any less period then such association or person shall be requested to withdraw the said stocks so failing to pay interest, and to substitute for the same, the stocks of interest paying States, or else surrender an amount of its notes equal to the amount of stocks so withdrawn, and if such association or person shall neglect or refuse for the space of thirty days, so to do, then and in that case, it shall be the duty of the Auditor of State, to wind up the bank of the said person or association as provided elsewhere in this act.

Which was agreed to.

Mr. Gookins submitted the following amendment to the 20th section.

Amend by inserting at the end of the 20th section, as follows:

Such association shall be entitled to charge and receive for moneys loaned, interest at a rate not exceeding six per centum per annum, but the same may, according to bank rules, be discounted and taken in advance out of the sum loaned.

Which was agreed to.

Mr. Brady called the previous question.

Which was ordered.

The main question being on the engrossment of the bill,

And being put,

The ayes and noes were demanded by Messrs. McDowell and Carpenter.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Behm, Brady, Bryant, Carpenter, Chowning, Cowgill, Cromwell, Davis, Dice, Donaldson, Doughty, Eccles, English, Geddes, Gibson, Gookins, Goudy, Hanna, Hay of Clark, Hays of White, Henry, Holladay of Parke, Hudson, Huey, Hunt, King, Laverty, Lawrence, Leviston, Linsday of Howard, Litchfield, Marrs, Mayfield, Miller, Nelson, Owen, Reynolds, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Stevens, Stuart, Suit, Sumner, Sweet and Wilson—50.

Those who voted in the negative were,

Messrs. Barker, Bulla, Cockrum, Crawford, Dobson, Douthit, Foster, Graham, Hart, Helmer, Hicks, Holman, Huffstetter, Humphreys, Lewis, McAllister, McConnell, McDowell, Morris, Mudgett, Porter, Schoonover, Scudder, Stover, Struble, Taggart, Thompson, Torbet, Wells, Williams, Withers and Mr. Speaker—32.

So the bill was ordered to be engrossed.

HOUSE BILLS ON THIRD READING.

No. 39. A bill to legalize the action of School Commissioners in cases where the tax duplicates have been made out, before the taking effect in their counties of the School law of 1849.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beane, Behm, Brady, Bulla, Buskirk, Carpenter, Cromwell, Dobson, Doughty, Eccles, English, Geddes, Gibson, Goo-

kins, Graham, Hay of Clark, Holladay of Parke, Hudson, Huey, Humphreys, Hunt, King, Lewis, Linsday of Howard, Litchfield, Marrs, Mayfield, McAllister, Nelson, Owen, Porter, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Stevens, Stover, Struble, Suit, Sweet, Taggart, Thompson, Wells and Wilson—46.

Those who voted in the negative were,

Messrs. Beach, Beeson, Bryant, Chowning, Cockrum, Crawford, Davis, Dice, Douthit, Foster, Hanna, Hart, Helmer, Henry, Holman, Huffstetter, Laverty, Lawrence, Leviston, McConnell, McDowell, Miller, Morris, Mudget, Smith of Spencer, Stuart, Sumner, Torbet, Withers and Mr. Speaker—30.

So the bill did not pass.

No. 150. A bill to provide for the public printing and binding, distribution of the laws and journals and the publication thereof in the newspapers.

Was read a third time.

By unanimous consent of the House,

At the suggestion of Mr. Brady the 10th section was amended so as to correspond with the provisions of the bill.

Mr. Gookins moved to reconsider the vote by which the House ordered bill No. 150, to be engrossed.

Which motion did not prevail.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beane, Beeson, Bryant, Bulla, Buskirk, Chowning, Crawford, Cromwell, Davis, Dice, Donaldson, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Graham, Hanna, Hays of White, Hicks, Holladay of Parke, Holman, Huey, Huffstetter, Humphreys, Hunt, King, Laverty, Lawrence, Leviston, Litchfield, Marrs, McAllister, McDonald, Nelson, Owen, Porter, Reynolds, Schoonover, Scudder, Shanklin, Smith of Spencer, Stevens, Stover, Struble, Suit, Sweet, Taggart, Torbet, Wells, Wilson and Mr. Speaker—55.

Those who voted in the negative were,

Messrs. Behm, Brady, Cockrum, Dobson, Goudy, Hay of Clark, Helmer, Henry, Linsday of Howard, Mayfield, McConnell, McDowell, Miller, Morris, Smith of Marion, Stanfield, Sumner, Thompson, Williams and Withers—20.

So the bill passed.

On motion by Mr. Holman,

The title of the bill was amended by "providing for the election of a State Printer."

Ordered, that the clerk inform the Senate thereof.

SENATE BILLS ON THIRD READING.

No. 74. A bill authorizing Plank road and Turnpike companies to create a sinking fund for the repair of said roads.

Was read a third time.

The question being, Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Chowning, Cockrum, Crawford, Cromwell, Davis, Dice, Dobson, Doughty, Eccles, English, Foster, Geddes, Gibson, Gookins, Goudy, Graham, Hanna, Hay of Clark, Helmer, Henry, Hicks, Holaday of Parke, Huey, Huffstetter, Humphreys, Hunt, King, Laverly, Lawrence, Leviston, Lewis, Lindsay of Howard, Litchfield, Marrs, Mayfield, McAllister, Morris, Nelson, Owen, Porter, Reynolds, Schoonover, Scudder, Shanklin, Smith of Spencer, Stanfield, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Thompson, Wells, Williams, Wilson, Withers and Mr. Speaker—66.

Those who voted in the negative were,

Messrs. Buskirk, Donaldson, Douthit, Holman, McConnell, McDowell, Smith of Marion and Taggart—8.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

Mr. Stuart moved the House adjourn.

Which motion did not prevail.

SENATE BILLS ON THIRD READING.

No. 88. A bill limiting the number of grand jurors, providing a mode for their selection, defining their jurisdiction, and repealing all laws inconsistent therewith.

Was read a third time.

The question being, Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Buskirk, Chowning, Cockrum, Crawford, Cromwell, Davis, Donaldson, Dougherty, Douthit, Eccles, Geddes, Gookins, Hart, Hays of White, Hicks, Holladay of Parke, Hudson, Huey, King, Lavery, Leviston, Lewis, Lindsay of Howard, Litchfield, Marrs, McAllister, McDonald, McDowell, Miller, Morris, Nelson, Porter, Reynolds, Shanklin, Smith of Marion, Smith of Spencer, Stover, Struble, Suit, Sumner, Sweet, Taggart, Williams, Wilson, Withers, and Mr. Speaker—52.

Those who voted in the negative were,

Messrs. Bryant, Bulla, Cowgill, Dice, Dobson, English, Gibson, Goudy, Graham, Hay of Clark, Helmer, Henry, Holman, Huffstetter, Humphreys, Hunt, Lawrence, Mayfield, Schoonover, Scudder, Stanfield, Stevens, Stuart, Thompson, Torbet, and Wells—26.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House without amendment:

No. 103. Entitled, a bill to provide for the speedy redemption of the outstanding treasury notes of the State of Indiana.

Also, that the Senate has passed the following engrossed joint resolution of the House without amendment:

No. 24. Entitled, a joint resolution on the subject of a ship canal around the rapids of the St. Mary's river, connecting lake Superior with the other lakes.

Mr. Suit, from the committee on Engrossed Bills, made the following report:

MR. SPEAKER:

The committee on Engrossed Bills have examined engrossed bills of the House, Nos. 39 and 150, and find them correctly engrossed.

A message from the Governor by Mr. King, executive messenger:

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives that he has approved and signed the following bills, to-wit:

No. 135. An act authorizing county auditors and their deputies to take acknowledgments of deeds and administer oaths in certain cases.

No. 129. An act for the recovery of property removed by high water.

No. 89. An act in relation to the officers and soldiers of Indiana, who served in the war of 1811, 1812, and 1813, and in the war with Mexico, and in all other wars since the settlement of the State of Indiana.

No. 23. A joint resolution, asking the passage of a law by Congress authorizing the State of Indiana to sell the Saline lands that remain unsold at such price as may be deemed right by the General Assembly of the State.

No. 16. A joint resolution, asking a more liberal construction of the act of Congress of May 9, 1848.

No. 10. A joint resolution relating to the Harbor at Michigan city.

All which bills originated in the House.

A message from the Senate by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate insist upon their fourth and fifth engrossed amendments to engrossed bill of the House,

No. 122. Entitled, an act to provide for the organization of county boards, and defining their powers and duties.

On motion,

The House insisted on its disagreement to the fourth and fifth engrossed amendments of the Senate to the bill contained in the foregoing message.

On motion,

Messrs. Holladay of Parke and Holman were appointed a committee of conference on bill No. 122, contained in the foregoing message, on the part of the House.

Ordered that the clerk inform the Senate thereof.

On motion by Mr. Buskirk,

The vote by which the resolution of Mr. Hay of Clark, relative to granting the use of this Hall to the Rev. B. K. Malby on Monday evening was lost,

Was reconsidered.

The question being on the adoption of the resolution,
It was decided in the affirmative.

On motion by Mr. King,
The House adjourned.

MONDAY MORNING, 9 o'clock, }
February 23, 1852. }

The House met.

The journal of the preceding day was read.

ORDERS OF THE DAY.

House Bills on Second Reading.

No. 170. A bill for the regulation of weights and measures;
Was read a second time.

On motion by Mr. Nelson,
The bill was referred to the committee on Agriculture.

HOUSE BILLS ON THIRD READING.

No. 139. A bill to authorize and regulate the business of general banking;
Was read a third time.

Mr. Porter moved to recommit the bill to the committee on General Banking, with instructions to strike out "1852" and insert "1853," in section 34.

And the question being put,

The ayes and noes were demanded by Messrs. Porter and Holman.

Those who voted in the affirmative were,

Messrs. Beach, Buskirk, Dobson, Douthit, Graham, Hart, Holman,

Humphreys, McConnell, McDowell, Morris, Nelson, Porter, Schoonover, Scudder, Smith of Marion, Struble, Sweet, Torbet, Wells, and Williams—21.

Those who voted in the negative were,

Messrs. Barker, Beane, Beeson, Behm, Bulla, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Davis, Dice, Donaldson, Doughty, English, Geddes, Gibson, Gookins, Goudy, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Holladay of Parke, Hudson, Huey, Huffstetter, Hunt, King, Lavery, Lawrence, Leviston, Lewis, Lindsay of Howard, Litchfield, Marrs, Mayfield, McAllister, McDonald, Mudgett, Reynolds, Shanklin, Smith of Spencer, Stanfield, Stevens, Stover, Stuart, Suit, Sumner, Sweet, Thompson, Wilson, Withers, and Mr. Speaker—56.

So the bill was not recommitted.

Mr. Dobson moved to postpone the further consideration of the bill until Monday next, 10 o'clock, A. M.

And the question being put,

The ayes and noes were demanded by Messrs. Withers and Behm.

Those who voted in the affirmative were,

Messrs. Buskirk, Crawford, Dobson, Douthit, Graham, Hart, Helmer, Holman, Humphreys, Leviston, McAllister, McDowell, Morris, Porter, Schoonover, Scudder, Shanklin, Struble, Taggart, Torbet, Wells, and Williams—22.

Those who voted in the negative were,

Messrs. Barker, Beach, Beane, Beeson, Behm, Bryant, Bulla, Chowning, Cockrum, Cowgill, Cromwell, Davis, Dice, Donaldson, Doughty, English, Geddes, Gibson, Gookins, Goudy, Hanna, Hay of Clark, Hays of White, Henry, Holladay of Parke, Hudson, Huey, Hunt, King, Lavery, Lawrence, Lewis, Lindsay of Howard, Litchfield, Marrs, Mayfield, McConnell, McDonald, Miller, Mudgett, Nelson, Owen, Reynolds, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Stuart, Suit, Sumner, Sweet, Thompson, Wilson, Withers, and Mr. Speaker—57.

So the further consideration of the bill was not so postponed.

On motion by Mr. English,

A call of the House was ordered.

The clerk proceeded to the call, when the following members answered to their names, viz:

Messrs. Barker, Beach, Beane, Beeson, Behm, Bryant, Bulla, Buskirk, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Davis, Dice, Dobson, Donaldson, Doughty, Douthit, English, Geddes, Gibson, Gookins, Goudy, Graham, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Holladay of Parke, Holman, Hudson, Huey, Huffstetter, Humpheys, Hunt, King, Lavery, Lawrence, Leviston, Lewis, Lindsay of Howard, Litchfield, Marrs, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Mudgett, Nelson, Owen, Porter, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Wells, Williams, Wilson, Withers, and Mr. Speaker.

Mr. Holman moved that a further call of the House be suspended ;
Which motion did not prevail.

On motion by Mr. Smith of Marion,
Mr. Brady was excused on account of sickness.

Mr. Hanna moved that a further call of the House be suspended ;
Which motion did not prevail.

On motion by Mr. Goudy,
Leave of absence was granted Mr. Crim on account of sickness.
Mr. Lewis moved that Mr. Carpenter be excused ;
Which motion did not prevail.

On motion by Mr. Cromwell,
Mr. Donham was excused on account of sickness.

On motion by Mr. McAllister,
Mr. Foster was excused on account of sickness.
Mr. Suit moved that Mr. Kent be excused ;
Which motion did not prevail.

Mr. Withers moved that a further call of the House be suspended ;
Which motion did not prevail.

On motion by Mr. Beach,
Mr. Staton was excused on account of the sickness of his family.
Mr. Reynolds moved that Mr. Watson be excused ;
Which motion did not prevail.

On motion by Mr. Donaldson,
A further call of the House was suspended.

Mr. Holman moved to recommit the bill with the following instructions :

With instructions to limit the bonds to be taken as collateral security to the bonds of the following States in addition to the bonds of this State and of the United States, to-wit: New York, Ohio, Kentucky, Pennsylvania and Virginia.

And the question being put,
The ayes and noes were demanded by Messrs. Holman and Behm.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Bulla, Buskirk, Crawford, Dobson, Douthit, Eccles, Gibson, Graham, Hart, Hicks, Holman, Huffstetter, Humphreys, Lawrence, Leviston, Lewis, McAllister, McDowell, Morris, Porter, Schoonover, Scudder, Smith of Spencer, Struble, Taggart, Torbet, Wells, Williams, and Withers—32.

Those who voted in the negative were,

Messrs. Beeson, Behm, Bryant, Chowning, Cockrum, Cowgill, Cromwell, Davis, Dice, Donaldson, Doughty, English, Geddes, Gookins, Goudy, Hanna, Hays of White, Hay of Clark, Helmer, Henry, Holladay of Parke, Hudson, Huey, Hunt, King, Laverty, Lindsay of Howard, Litchfield, Marrs, Mayfield, McDonald, Miller, Nelson, Owen, Reynolds, Shanklin, Smith of Marion, Stanfield, Stevens, Stover, Stuart, Suit, Sumner, Sweet, Thompson, Wilson, and Mr. Speaker—46.

So the bill was not so recommitted with instructions.

The hour having arrived for the special order of the day, viz :

No. 137. A bill to provide for a general and uniform system of common schools; providing for the election and defining the duties of township trustees, circuit superintendents and State Superintendent of Public Instruction; providing for the sale and custody of school lands, the loaning of school funds and the distribution thereof, the powers of the qualified voters of the township, the powers and duties of incorporated cities and towns in relation to schools; of the duties of teachers, and the evidence of their qualifications; for township school libraries and the custody and management thereof; for taxes in aid of school funds, and for the establishment of township libraries; defining the duties of county auditors and treasurers, and of the Auditor and Treasurer of State in relation to schools, and school funds and township libraries and compensation of officers and liability thereof for neglect of duty; duties of county commissioners and school commissioners; for a State Board of Education and the duties thereof; of the division of the State into school circuits; of the qualification of voters in school corporations.

On motion by Mr. Gookins,

The special order of the day was postponed until March the 9th, and made the special order of that day, at 10 o'clock, A. M., in committee of the whole House.

Mr. Hay of Clark called the previous question;

Which was seconded, and the main question ordered.

The main question being, Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Behm, Bryant, Chowning, Cowgill, Crawford, Cromwell, Davis, Dice, Donaldson, Doughty, English, Geddes, Gibson, Gookins, Goudy, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Holladay of Parke, Hudson, Huey, Hunt, King, Laverty, Lawrence, Leviston, Linsday of Howard, Litchfield, Marrs, Mayfield, McDonald, Miller, Owen, Reynolds, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Stevens, Stuart, Suit, Sumner, Sweet, Thompson, Wilson, and Withers—51:

Those who voted in the negative were,

Messrs. Barker, Bulla, Buskirk, Dobson, Douthit, Eccles, Graham, Hart, Hicks, Holman, Huffstetter, Humphreys, Lewis, McAllister, McConnell, McDowell, Morris, Mudget, Nelson, Porter, Schoonover, Scudder, Stover, Struble, Taggart, Torbet, Wells, Williams, and Mr. Speaker—30.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

The Speaker laid before the House the following communication from the Secretary of State:

SECRETARY OF STATE'S OFFICE,
Indianapolis, February 23, 1852. }

HON. JOHN W. DAVIS,
Speaker of the House of Representatives:

SIR:—Please to lay the enclosed communication before the House of Representatives.

Respectfully yours, &c.

CHARLES H. TEST,
Secretary of State.

SECRETARY OF STATE'S OFFICE, }
 Indianapolis, Feb. 23, 1852. }

To the Honorable House of Representatives :

The Hon. Jehu T. Elliott, Judge of the sixth judicial circuit, has filed in this office his resignation of Judge of said circuit, to take effect on the last day of this month.

The twelfth provision of the schedule of the present constitution provides that "All vacancies that may occur in existing offices prior to the first general election under this constitution, shall be filled in the manner now prescribed by law." The resignation above mentioned being filed during the session of the General Assembly, the undersigned supposes that it devolves upon this Legislature to fill the vacancy. In view of which a similar communication to this has been made to the Senate.

Respectfully submitted :

CHARLES H. TEST,
Secretary of State.

On motion,

Mr. Carpenter obtained leave of absence for the remainder of the day.

By unanimous consent of the House,

Mr. Gibson submitted the following resolution :

Resolved, That, the Senate concurring, both Houses will, in joint convention, at 2 o'clock, P. M., to-day, proceed to the election of a President Judge for the sixth judicial circuit, to fill the vacancy occasioned by the resignation of Jehu T. Elliott.

Which was agreed to.

Ordered that the clerk inform the Senate thereof.

On motion by Mr. Graham,

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met.

A message from the Senate by Mr. Dunn their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the resolution of the House to proceed to the election of a Judge for the sixth judicial circuit, this afternoon at 2 o'clock.

On motion by Mr. Holman,

The Senate were invited to attend instantler in the hall of the House of Representatives, to proceed to the election of a President Judge of the sixth judicial circuit.

The Senate came into the hall of the House, when both branches of the General Assembly proceeded in joint convention, by a viva voce vote, to the election of President Judge of the sixth judicial circuit, to fill the vacancy occasioned by the resignation of Jehu T. Elliott.

Messrs. Morton, Grose and Vance were announced as candidates.

The name of Mr. Grose was withdrawn before the call commenced.

Those who voted for Oliver P. Morton, on the part of the Senate, were,

Messrs. Alexander, Allen, Athon, Brugh, Cravens, Davis, Defrees, Delevan, Dougherty, Emerson, Hanna, Henton, Hester, Hickman, Hicks, Holloway, Kendall, Kinnard, Knowlton, Logan, Longshore, McCarty, Mickle, Milliken, Niblack, Odell, Saffer, Secrest, Slack, Spann, Teegarden, Turman, Walker, Washburn, Winstandley, and Witherow—36.

Those who voted for Oliver P. Morton, on the part of the House, were,

Messrs. Barker, Beach, Beane, Beeson, Behm, Bryant, Bulla, Buskirk, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Davis, Dice, Dobson, Donaldson, Doughty, Douthit, Eccles, English, Gibson, Gookins, Goudy, Graham, Hanna, Hart, Hays of White, Hay of Clark, Helmer, Henry, Hicks, Holladay of Parke, Holman, Hudson, Huey, Humphreys, Hunt, Kent, King, Lavery, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Manson, Marrs, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Mudgett, Nelson, Owen, Porter, Reynolds, Schoonover, Scud-

der, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Wells, Williams, Wilson, Withers and Mr. Speaker—81.

The following Senators voted, viz:

Mr. Hunt voted a blank;
Mr. Miller voted for Finley Bigger;
Mr. Reid voted for Elisha Vance.

Oliver P. Morton received.....	117 votes.
Finley Bigger "	1 vote.
Elisha Vance "	1 "
Blank	1 "

Oliver P. Morton having received a majority of all the votes given, was, by the President of the Convention, declared duly elected President Judge of the 6th Judicial Circuit, to serve as such until his successor is elected and qualified.

A message from the Senate by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House, with the accompanying engrossed amendments of the Senate thereto:

No. 82. A bill to enable the Madison and Indianapolis Railroad Company to avoid the inclined plane at Madison, to provide for the sale of the interest of the State in said railroad, and to repeal, so far as it affects the Madison and Indianapolis Railroad Company, the 55th and 58th sections of the act entitled ~~an~~ act for the continuance and construction of all or any part of the public works of this State, by private companies, and for abolishing the Board of Internal Improvements, and the offices of Fund Commissioner and Chief Engineer, approved January 28, 1842.

In which the concurrence of the House is respectfully requested.

The engrossed amendments of the Senate to the engrossed bill of the House No. 82, contained in the foregoing message,
Were concurred in.

Ordered that the clerk inform the Senate thereof.

Mr. Nelson called up

No. 93. A bill to regulate the sale of the swamp lands, donated by the United States to the State of Indiana, and to provide for the

draining and reclaiming thereof, in accordance with the condition of said grant;

Which was lost some days since, there not being a constitutional majority voting therefor.

The question being, Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Behm, Bryant, Buskirk, Cockrum, Cowgill, Crawford, Cromwell, Dice, Donaldson, Doughty, Eccles, Geddes, Gibson, Gookins, Goudy, Graham, Hanna, Hart, Hay of Clark, Hays of White, Henry, Hicks, Hudson, Huey, Hunt, Kent, King, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Manson, Marrs, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Mudget, Nelson, Owen, Reynolds, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Stevens, Stover, Struble, Suit, Sumner, Sweet, Taggart, Thompson, Wells, Williams, and Withers—65.

Those who voted in the negative were,

Messrs. Barker, Chowning, Davis, Dobson, Douthit, English, Helmer, Holladay of Parke, Holman, Huffstetter, Humphreys, Lavery Porter, Schoonover, Stuart, Torbet, Wilson, and Mr. Speaker—18.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

Mr. Buskirk called up House bill No. 39—a bill to legalize the action of school commissioners, in cases where the tax duplicates have been made out before the taking effect, in their counties of the school law of 1849—which was lost some days since, there not being a constitutional vote therefor.

The question being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beane, Behm, Bulla, Buskirk, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Dice, Dobson, Donaldson, Doughty, Douthit, Eccles, English, Geddes, Gibson, Gookins, Goudy, Graham, Hanna, Hay of Clark, Hays of White, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, King, Lavery, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Manson, Marrs, Mayfield, McAllister, McDonald, Miller, Nelson, Owen, Porter, Reynolds, Schoonover, Shanklin, Smith of Marion, Stanfield, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Wells, Williams, and Wilson—64.

Those who voted in the negative were,

Messrs. Bryant, Davis, Hart, Helmer, Henry, Hicks, Holladay of Parke, Holman, McDowell, Mudget, Scudder, Smith of Spencer, Taggart, Thompson, Withers and Mr. Speaker—16.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

Mr. Owen moved that when this House adjourn, it adjourn to meet on Wednesday morning next, at 9 o'clock;

Which motion prevailed.

Mr. Doughty called up No. 23—A bill to compute interest annually upon notes or other obligations made payable to executors, administrators and guardians—which was lost some days since, there not being a constitutional vote therefor.

The reading was called for, and the bill read for information.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bulla, Cockrum, Cromwell, Davis, Doughty, Helmer, Kent, King, Laverty, Lawrence, Leviston, Lindsey of Fayette, Manson, Mayfield, McDonald, Nelson, Owen, Scudder, Stevens, Struble, Sumner, Thompson, and Wells—23.

Those who voted in the negative were,

Messrs. Barker, Beane, Beeson, Bryant, Buskirk, Chowning, Cowgill, Crawford, Dice, Dobson, Donaldson, Douthit, Eccles, English, Gibson, Gookins, Goudy, Graham, Hanna, Hay of Clark, Hays of White, Henry, Hicks, Holladay of Parke, Holman, Hudson, Huey, Huffstetter, Humphreys, Hunt, Lewis, Lindsay of Howard, Litchfield, Marrs, McAllister, McConnell, McDowell, Morris, Mudget, Porter, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Stover, Stuart, Suit, Sweet, Taggart, Torbet, Williams, Wilson, Withers, and Mr. Speaker—57.

So the bill did not pass.

On motion by Mr. Owen,

The use of this Hall was granted the Democratic State Convention to-morrow.

A message from the Senate by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has appointed Messrs. Slack and Cravens a committee of free conference to act with a similar committee already appointed upon the part of the House to take into consideration the disagreement of the two houses upon House bill

No. 122. Entitled, an act to provide for the organization of county boards, and defining their powers and duties.

On motion by Mr. Owen,
The House adjourned.

WEDNESDAY MORNING,
February 25, 1852.

The House met.

On motion by Mr. Stanfield
A call of the House was ordered.

The Clerk proceeded to the call when the following members answered to their names:

Messrs. Barker, Beach, Beane, Beeson, Behm, Bulla, Carpenter, Chowning, Cockrum, Cowgill, Davis, Dice, Dobson, Donaldson, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Goudy, Graham, Hart, Hay of Clark, Hays of White, Helmer, Hicks, Holladay of Parke, Holman, Hudson, Huey, Humphreys, Hunt, King, Lavery, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Marrs, Mayfield, McAllister, McDowell, Nelson, Porter, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Watson, Williams, Wilson and Mr. Speaker.

Mr. Holman moved to suspend the further call.
Which motion did not prevail.

On motion by Mr. Smith of Marion,
 Mr. Brady was excused on account of sickness.
 On motion by Mr. Porter,
 Mr. Buskirk was excused on account of sickness.
 On motion by Mr. King,
 Mr. Holliday of Blackford was excused on account of sickness.
 On motion by Mr. Hart,
 Mr. Miller was excused on account of sickness.
 On motion by Mr. Beach,
 Mr. Withers was excused on account of sickness.
 Mr. Nelson moved a further call of the House be suspended,
 And the question being put,
 The ayes and noes were demanded by Messrs. Davis and McDowell.

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Carpenter, Cowgill, Donaldson, Douthit, Eccles, Foster, Hays of White, Helmer, Holladay of Parke, Huey, Laverty, Lindsey of Fayette, Linsday of Howard, Litchfield, Major, Nelson, Porter, Reynolds, Schoonover, Staton, Stuart, Sweet, Thompson, Torbet, Williams, Wilson and Mr. Speaker—29.

Those who voted in the negative were,

Messrs. Beach, Beane, Behm, Bulla, Chowning, Cockrum, Davis, Dice, Doughty, Geddes, Gibson, Goudy, Graham, Hart, Hay of Clark, Hicks, Holman, Hudson, Hunt, Lawrence, Leviston, Marrs, Mayfield, McAllister, McDowell, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Stevens, Struble, Suit, Sumner, Taggart and Watson—35.

So a further call of the House was not suspended.

On motion by Mr. Carpenter,

Mr. Crim was excused.

The Door-Keeper was sent for the absentees, and after an absence of a few minutes, returned with Messrs. Bryant, Crawford, Cromwell and Mudget.

On motion by Mr. Nelson,

Mr. Bryant was excused without a fine.

On motion by Mr. Huey,

Mr. Crawford was excused without a fine.

On motion by Mr. Humphreys,

Mr. Cromwell was excused without a fine.

On motion by Mr. Davis,

Mr. Mudget was excused without a fine.

On motion by Mr. Mudget,

Mr. McConnell obtained leave of absence.

On motion of Mr. Hay of Clark,
The further call of the House was suspended.

Mr. Doughty moved that when this House adjourns, it will adjourn to meet on Friday morning, 9 o'clock;
Which motion prevailed.

PETITIONS AND MEMORIALS PRESENTED.

By Mr. Smith of Marion:

The account of W. H. B. Douglass;
Which,

On motion,
Was referred to the committee on Claims.

By Mr. Goudy:

The memorial of sundry ladies of Jasper county on the subject of temperance;

Which,

On motion,
Was referred to the committee on Temperance.

Mr. Smith of Marion, chairman of the committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The committee on Enrolled Bills have compared the following enrolled with the engrossed bills of the House of the corresponding numbers, and find them correctly enrolled:

No. 82. An act to enable the Madison and Indianapolis Railroad Company to avoid the inclined plane at Madison, to provide for the sale of the interest of the State in said railroad, and to repeal, so far as effects the Madison and Indianapolis Railroad Company, the 55th and 58th sections of an act entitled an act for the continuance and construction of all or any part of the public works of this State by private companies, and for abolishing the Board of Internal Improvements, and the offices of Fund Commissioner and Chief Engineer, approved January 28, 1842;

No. 103. An act to provide for the speedy redemption of outstanding treasury notes of the State of Indiana.

Whereupon, the Speaker signed the same.

Ordered, That the clerk inform the Senate thereof.

REPORTS FROM COMMITTEES.

Mr. Lindsay of Howard, from the committee on Manufactures and Commerce reported

No. 171. A bill to regulate the tolls of grain mills, and prescribing the duties of millers;

Which was read a first time and passed to a second reading.

By the unanimous consent of the House,
Mr. Suit offered the following resolution :

Resolved, That the use of this Hall be granted the State Whig Convention on to-morrow.

Which was agreed to.

On motion by Mr. King,
The House adjourned.

FRIDAY MORNING, 9 o'clock, }
February 27, 1852. }

The House met.

The journal of the preceding day was read.

A message from the Senate by Mr. Dunn their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill thereof :

No. 85. Entitled "a bill regulating the time of holding courts in the 12th judicial circuit and to regulate the time of empaneling a traverse jury in the county of Allen."

Also, engrossed joint resolution No. 68, entitled "a joint resolu-

tion on the subject of the slave trade, and for the purpose of colonization."

In which the concurrence of the House is respectfully requested.

Senate bill No. 85 and joint resolution No. 68, contained in the foregoing message, were each read a first time, and ordered to a second reading.

PETITIONS AND MEMORIALS PRESENTED.

By Mr. Nelson:

Two memorials from sundry ladies and gentlemen of Indiana, on the subject of temperance;

Which,

On motion,

Were referred to the committee on Temperance.

By Mr. Goudy:

A memorial from sundry citizens of Indiana, on the subject of temperance;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Douthit:

Two memorials from sundry ladies and gentlemen of Indiana, on the subject of temperance;

Which,

On motion,

Were referred to the committee on Temperance.

By Mr. Nelson:

A petition from sundry citizens of Fort Wayne, on the subject of the school laws;

Which,

On motion,

Was referred to the committee on Education.

By Mr. Buskirk:

A petition from sundry citizens of Starke county in relation to the delinquent taxes;

Which,

On motion,

Was referred to the committee on Ways and Means.

RESOLUTIONS OF THE HOUSE.

On motion by Mr. Torbet,

Resolved, That three thousand additional copies of the Rev. Mr. Mitchell's report on the subject of Colonization be printed, and that one thousand copies be placed at the disposal of Mr. Mitchell.

On motion by Mr. King,

Resolved, That a committee of five members be appointed to wait on and invite Gov. Louis Kossuth to visit and be presented officially to the House to-morrow at 10 o'clock; that the Speaker receive the Governor on behalf of the House, and after such reception that the House adjourn, and the members be individually introduced to Gov. Gossuth by the Speaker.

Whereupon, the Speaker appointed the following gentlemen as said committee:

Messrs. King, Nelson, Bryant, Kent, and Smith of Marion.

On motion by Mr. Behm,

Resolved, That the committee on the Organization of Courts of Justice be instructed to report a bill regulating the time of holding the circuit courts in the several counties of the State.

Mr. Stevens, under the rule, gave notice of a motion for leave to introduce a bill to exempt the stocks of railroads, &c. from taxation until a part of the same be completed and in operation.

ORDERS OF THE DAY.

House Bills on Second Reading.

No. 171. A bill to regulate the tolls of grain mills and prescribing the duties of millers;

Was read a second time.

Mr. Williams moved to amend the bill as follows:

Strike out section four.

Which motion did not prevail.

Mr. Williams submitted the following amendment:

Nothing in this act shall be so construed as to make any miller grind for the public when he may wish to grind his own grain.

Which was not adopted.

The bill was then ordered to be engrossed.

On motion by Mr. Buskirk,

House bill No. 105. A bill to provide for the sale of the stock owned by the State of Indiana in the Madison and Indianapolis railroad company;

Was taken from the table and ordered to be engrossed.

On motion by Mr. Buskirk,

Leave of absence was granted Mr. Stevens until Monday next.

On motion by Mr. Torbet,

Leave of absence was granted to Mr. Holman.

By unanimous consent of the House,

Mr. Stuart asked and obtained leave to introduce bill

No. 172. A bill concerning crimes and punishment, and proceedings in criminal cases;

Which was read a first time, and passed to a second reading.

By unanimous consent of the House,

Mr. Gookins asked and obtained leave to introduce a joint resolution,

No. 26. Relative to the claim of Col. Francis Vigo, late a citizen of Knox county, Indiana;

Which was read a first time and passed to a second reading.

On motion by Mr. Holladay of Parke,

Mr. Gibson was added to the committee on Free Conference, to supply the place of Mr. Holman, on the bill relative to the organization of County Boards.

On motion by Mr. Bulla,

Leave of absence was granted Mr. Thompson.

On motion by Mr. Stuart,

Leave of absence was granted Mr. Gookins.

On motion by Mr. Smith of Marion,

Leave of absence was granted Mr. Brady on account of sickness.

On motion by Mr. Mudget,

The House adjourned.

SATURDAY MORNING, 9 o'clock, }
 February 28, 1852. }

The House met.

The Journal of the preceding day was read.

PETITIONS AND MEMORIALS PRESENTED.

By Mr. Graham:

The remonstrance of sundry citizens of Pike and Dubois counties, in reference to the navigation of Flat Creek;
 Which,

On motion,

Was referred to the same select committee heretofore appointed on that subject.

By Mr. Mudgett:

The memorial of sundry citizens of this State on the subject of temperance;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Carpenter:

The memorial of sundry citizens of Crawford, Orange, Dubois, Pike and Gibson counties, in reference to the navigation of Patoka River;

Which,

On motion,

Was referred to the same select committee heretofore appointed on that subject.

Mr. Behm, from the joint committee on Enrolled bills, made the following report:

MR. SPEAKER :

The joint committee on Enrolled bills, have this day presented to the Governor, for his signature, House bills numbered 82 and 103.

ORDERS OF THE DAY.

House bills on second reading.

No. 172. A bill concerning crimes and punishment, and proceedings in criminal cases.

Mr. Stuart moved to suspend the rule, and read the bill a second time by its title.

Those who voted in the affirmative were,

Messrs. Barker, Beane, Beeson, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Crawford, Cromwell, Davis, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Helmer, Henry, Hicks, Hudson, Huey, Huffstetter, Hunt, Leviston, Lindsey of Fayette, Lindsay of Howard, Litchfield, Manson, Mayfield, McAlister, Morris, Mudget, Nelson, Owen, Ray, Reynolds, Schoonover, Shanklin, Staton, Stover, Stuart, Suit, Sweet, Williams, Wilson, and Mr. Speaker—58.

Those who voted in the negative were,

Messrs. Holladay of Parke, McDonald, McDowell, Miller, Smith of Marion, Smith of Spencer, Sumner, Torbet, and Watson—9.

So the rule was suspended, the bill read a second time by its title, and ordered to be engrossed.

No. 26. A joint resolution relative to the claim of Col. Francis Vigo, late a citizen of Knox county, Indiana.
Was read a second time.

Mr. Manson moved to indefinitely postpone the resolution.
Which motion did not prevail.

The joint resolution was then ordered to be engrossed.

On motion by Mr. Torbet,
The vote by which House bill

No. 172. A bill concerning crimes and punishment, &c.,
Was ordered to be engrossed, was reconsidered.

On motion by Mr. Gibson,
The bill was referred to the Judiciary committee.

Senate joint resolution

No. 68. A joint resolution on the subject of the slave trade, and for the purpose of colonization,

Was read a second time, and ordered to a third reading.
A message from the Senate by Mr. Dunn, their secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill thereof:

No. 94. Entitled, a bill to attach Boone county to the first judicial circuit.

In which the concurrence of the House is respectfully requested.

Senate bill No. 94, contained in the foregoing message, was read a first time.

Mr. Beach moved to suspend the rule and read the bill a second time now.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Bryant, Buskirk, Carpenter, Chowning, Crawford, Cromwell, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Graham, Hanna, Huffstetter, Hunt, Kent, King, Lindsey of Fayette, Linsday of Howard, Litchfield, Manson, Mayfield, McAllister, Miller, Mudget, Nelson, Owen, Ray, Reynolds, Schoonover, Smith of Marion, Stanfield, Stover, Stuart, Suit, Sweet, Taggart, Torbet, Williams, and Wilson—49.

Those who voted in the negative were,

Messrs. Behm, Bulla, Cockrum, Davis, Hart, Hay of Clark, Henry, Hicks, Holladay of Parke, Huey, Leviston, McDonald, McDowell, Morris, Shanklin, Smith of Spencer, Staton, Sumner, Watson, and Mr. Speaker—20.

So the rule was suspended and the bill read a second time.

Mr. Beach moved to suspend the rule and read the bill a third time now.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Bryant, Buskirk, Carpenter, Chowning, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Goudy, Graham, Hanna, Hay of Clark, Huey, Humphreys, Hunt, Kent, King, Leviston, Lindsey of Fayette, Linsday of Howard, Litchfield, Manson, Mayfield, McAllister, McDonald, Miller, Morris, Mudget, Nelson, Owen, Ray, Rey-

nolds, Schoonover, Smith of Marion, Stanfield, Stover, Stuart, Suit, Sweet, Taggart, Torbet, Watson, Williams, and Wilson—54.

Those who voted in the negative were,

Messrs. Behm, Bulla, Cockrum, Crawford, Cromwell, Davis, Gunn, Henry, Hicks, Holladay of Parke, McDowell, Shanklin, Smith of Spencer, Sumner, and Mr. Speaker—15.

So the rule was suspended and the bill being engrossed, it was read a third time.

The question being, Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Bryant, Buskirk, Carpenter, Chowning, Cockrum, Crawford, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Graham, Gunn, Hanna, Hart, Hay of Clark, Henry, Hicks, Huey, Huffstetter, Hunt, Kent, King, Leviston, Lindsey of Fayette, Lindsay of Howard, Litchfield, Manson, Mayfield, McAllister, McDonald, McDowell, Morris, Mudget, Nelson, Ray, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Stover, Stuart, Suit, Sumner, Sweet, Taggart, Torbet, Watson, Williams, Wilson, and Mr. Speaker—73.

Those who voted in the negative were,

Messrs. Bulla, Davis, Helmer, and Holladay of Parke—4.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

SENATE BILLS ON SECOND READING.

No. 85. A bill regulating the time of holding courts in the 12th judicial circuit, and to regulate the time of empanneling a traverse jury in Allen county;

Was read a second time, and ordered to a third reading.

HOUSE BILLS ON THIRD READING.

No. 171. A bill to regulate the toll of grain mills, and prescribing the duties of millers;

Was read a third time.

Mr. Williams moved to recommit the bill with instructions "to make it constitutional;"

Which motion did not prevail.

The question being, Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Behm, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Crawford, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Goudy, Graham, Hanna, Hart, Hay of Clark, Helmer, Hicks, Hudson, Huey, Huffstetter, Hunt, Leviston, Lindsey of Fayette, Lindsay of Howard, Litchfield, Manson, Mayfield, McAllister, McDonald, McDowell, Miller, Morris, Nelson, Owen, Ray, Reynolds, Schoonover, Shanklin, Smith of Spencer, Stanfield, Staton, Stover, Stuart, Suit, Sumner, Sweet, Taggart, Watson, Wilson, and Mr. Speaker—59.

Those who voted in the negative were,

Messrs. Davis, Gunn, Hays of White, Henry, Holladay of Parke, Mudget, Smith of Marion, Torbet, and Williams—9.

So the bill passed.

Mr. Williams moved to amend the title of the bill so as to read as follows:

"A bill to convert private property to public use."

Which was not agreed to.

Ordered that the clerk inform the Senate of the passage of the bill and ask its concurrence.

House bill No. 105. A bill to provide for the sale of the stock owned by the State of Indiana in the Madison and Indianapolis Railroad Company;

Was read a third time.

The question being, Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Behm, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Crawford, Cromwell, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Goudy, Hays of White, Henry, Hicks, Huey, Huffstetter, Hunt, Leviston, Lindsey of Fayette, Lindsay of Howard, Litchfield, Manson, Mayfield, McAllister, McDonald, McDowell, Miller, Morris, Mudget, Owen, Reynolds, Schoonover, Shanklin, Smith of Marion, Stanfield, Staton, Stover, Stuart, Suit, Sumner, Sweet, Taggart, Watson, Wilson, and Mr. Speaker—56.

Those who voted in the negative were,

Messrs. Davis, Graham, Gunn, Hanna, Hart, Hay of Clark, Helmer, Holladay of Parke, Ray, Smith of Spencer, Torbet, and Williams—12.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Hay of Clark asked and obtained leave and presented

The memorial of the Judges of the Clark circuit court in relation to the services of J. D. Ferguson as special prosecutor under appointment of said court in the case of the State of Indiana against William Grose and Charles Gates.

Which,

On motion,

Was referred to the committee of Ways and Means.

Mr. Gibson moved that when this House adjourn, it adjourn to meet on Monday morning next at nine o'clock.

Which was agreed to.

Mr. King, chairman of the committee appointed under a resolution of the House, to wait on and invite Gov. Louis Kossuth to visit and be presented officially to the House at 10 o'clock, A. M., presented the distinguished guest to the Speaker, who received him on behalf of the House.

When,

On motion by Mr. Gibson,
The House adjourned.

MONDAY MORNING, 9 O'CLOCK, }
 March 1, 1852. }

The House met.

The journal of the preceding day was read.

REPORTS FROM COMMITTEES.

Mr. Buskirk, chairman of the committee on Ways and Means, made the following report :

MR. SPEAKER :

The committee of Ways and Means, to whom was assigned the duty of revising all the laws regulating the assessment and collection of taxes, have bestowed upon that subject a long and patient consideration, and have instructed me to report the accompanying bill.

There is no subject in which the people feel so deep and lively an interest as in that of taxation; and there is none which involves so many difficult and intricate questions, and respecting which there are so many conflicting opinions.

Your committee have not the vanity to suppose that they could draft a bill free from defects and imperfections, much less that the result of their deliberations would harmonize all the conflicting views of the members of this House. The bill has been prepared with great care and mature deliberation, and is commended to the favorable regards of the House, in the confident hope that it will receive that profound attention and careful examination that its importance demands. It is due to the committee to say that their deliberations have been embarrassed and their discretion controlled, in some particulars, by sundry imperative resolutions passed by this House, some of which they found it difficult to harmonize with each other, and with the general system already approved.

The committee have made many material and radical changes from our revenue laws. Under the old law, the entire capital stock of railroads, plank, turnpike and McAdamized roads and canals was assessed in the county where the principal office for the transaction of the financial business of such company was situated, and all the taxes for county, school and road purposes was retained in said county. The act approved February 13, 1851, requires that all the stockholders in such company, who are resident in the State of Indiana, shall furnish to the assessors in the counties where they reside, the amount and value of their stocks. The presidents, or other

proper officers of all such companies, are required to furnish, under oath, to the auditor of the county where their principal office is situated, a statement of the amount of stock that is owned by persons who are non-residents of the State of Indiana. The treasurer of said county is required to collect the tax so assessed upon stock held by non-residents, to ascertain the distance the said road or canal runs through the several counties, and to divide the tax so collected among the said counties in proportion to such distances.

In obedience to an imperative resolution of the House, your committee have destroyed all distinction between the taxation of stock held by residents and that of non-residents.

The present bill provides that the president, or other proper officer, of every such company, shall give in the amount of stock held by resident and non-resident stockholders, to the auditor of the county where their principal office is situated, and the tax so assessed is to be distributed in the same manner as the stocks of non-residents under the act of 1851.

In compliance with an imperative resolution of the House, and in conformity with the construction placed upon the first section of the tenth article of the Constitution by the committee on the Judiciary, in which the House concurred, your committee have reported a section providing for the taxation of the capital stock of the Wabash and Erie canal. This canal has not heretofore paid any tax, and the trustees contend that the Legislature has no power to tax the same; and that, if the Legislature has the power, it would be inexpedient to exercise it. The committee do not propose, at this time nor in this manner, to discuss the question whether the Legislature has the power to tax this canal. They think the Legislature has the power. The power to tax the canal is not taken away in express terms, and if taken away at all, it is by vague and general terms. Any doubt of the power to tax the canal which may exist, must be referred to certain general expressions contained in the latter clause of the 14th section of the act "supplementary to an act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie canal to Evansville," approved January 27, 1847; but such doubt must be dissipated by the plain, express and unequivocal language of the Constitution, which distinctly declares what shall be taxed and what shall be exempted from taxation. The Constitution precludes the exercise of any discretion whatever, as to the expediency of taxing this or any other species of property; and, if it be determined that the power to tax exists, the duty is imperative.

Under the former Constitution and the old revenue system, various kinds of property were exempted from taxation, and every tax payer was permitted to deduct from the sum of solvent demands due him, the amount of his indebtedness. Lands, until five years after entry—the polls and property of revolutionary soldiers, and the personal property, to a certain amount, of widows, orphans, in-

sane, blind, and deaf and dumb persons, were exempted from taxation. This bill exempts nothing from taxation excepting what is expressly exempted by the Constitution; and no deductions of indebtedness from solvent demands are permitted.

In pursuing this course, your committee have not felt at liberty to follow their own inclinations, but have been constrained by the express provisions of the Constitution, to include numerous objects they would gladly have exempted.

In obedience to an imperative resolution, your committee have inserted in the bill a provision for township assessors. It is most respectfully submitted whether the report of the Auditor of State does not prove that county assessors are not only cheaper, but infinitely better than township assessors.

Under the old system, the jurisdiction of treasurers has been confined to their respective counties; and if any person was returned delinquent for the non-payment of taxes, upon a poll or personal property, and removed into an adjoining county, the treasurer could neither pursue such delinquent tax payer, nor send the amount of his taxes to the county to which he had removed. This bill provides for that deficiency; and it is confidently believed that a very large amount of taxes can be collected in this way.

To present all the changes that have been embodied in the bill, would make this report tediously voluminous. The committee desire to call the attention of the House strongly to the fact that the numerous provisions of this bill are all connected and dependent. The bill contains near 300 sections, and it has been the design of the committee to combine all into a systematical and harmonious system. The House cannot fail to perceive that any material change in any part of the system, may seriously derange the whole; and from this consideration the committee entertain the hope that the House will be slow to make changes, the consequences of which may seriously endanger the efficiency of a measure, the adoption of which, as the committee confidently anticipate, will be of immense benefit to the finances of the State.

No. 173. A bill to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and the Treasurer and Auditor of State.

Mr. Buskirk moved to suspend the rule and read the bill a first time by its title.

And the question being put,

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Behm, Bryant, Bulla, Buskirk, Carpenter, Chowning, Crawford, Cromwell, Dice, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Henry, Hicks, Hudson, Huey, Huffstetter, Kent, Lavery, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McAllister, McDonald, McDowell, Miller, Morris, Mudget, Nelson, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith Marion, Stanfield, Staton, Stover, Stuart, Suit, Sumner, Sweet, Taggart, Torbet, Watson, Williams, Wilson, and Mr. Speaker—70.

Those who voted in the negative were,

Messrs. Cockrun, Davis, and Holladay of Parke—3.

So the rule was suspended and the bill read a first time by its title.

Mr. Buskirk moved to suspend the rule and read the bill a second time now by its title.

And the question being put,

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Behm, Bryant, Bulla, Buskirk, Carpenter, Chowning, Crawford, Crim, Cromwell, Dice, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Henry, Hicks, Hudson, Huey, Huffstetter, Kent, Lavery, Lawrence, Leviston, Lindsey of Fayette, Litchfield, Major, Manson, Mayfield, McAllister, McDonald, McDowell, Miller, Morris, Mudget, Nelson, Ray, Reynolds, Schoonover, Scudder, Smith of Marion, Stanfield, Staton, Stover, Stuart, Sumner, Sweet, Taggart, Torbet, Williams, Wilson, and Mr. Speaker—65.

Those who voted in the negative were,

Messrs. Cockrum, Davis, Holladay of Parke, Lindsay of Howard, Shanklin, and Watson—6.

So the rule was suspended and the bill read a second time by its title.

On motion by Mr. Buskirk,

The bill was referred to the committee of the whole House, on Friday the 5th inst. at 10 o'clock, A. M., and made the special order of that day, and three hundred copies of the bill and accompanying report were ordered to be printed in open form, and leave given the chairman of the committee to make such verbal changes and corrections as may be necessary.

Mr. Leviston, chairman of the committee on Corporations, made the following report:

MR. SPEAKER:

The committee on Corporations, to whom was referred bill No. 59, entitled, a bill to provide for the incorporation of railroad companies, with instructions to incorporate certain specified amendments in said bill, have discharged that service, and directed me to report the same back to the House and ask to be discharged from the further consideration thereof.

The amendments of the committee were concurred in.

Mr. Nelson submitted the following amendment:

Strike out from the enacting clause and insert the following:

That any number of persons, not less than fifteen, being subscribers to the stock of any contemplated rail road, may be formed into a corporation for the purpose of constructing, owning and maintaining such rail road, by complying with the following requirements:

Whenever stock to the amount of at least fifty thousand dollars shall have been subscribed, the subscribers to such stock shall elect directors for such company from their own number, and shall severally subscribe articles of association, in which shall be set forth the name of the corporation, the amount of the capital stock of the company, (which may be increased from time to time, if necessary, to a sum equal to the actual cost of constructing the road, together with the cost of the right of way, and motive power, together with all other appurtenances and expenses necessary for the completion and running of such road,)—the number of shares of which said stock shall consist,—the number of directors, and their names, to manage the affairs of the company,—the name of the place from which, and the place to which the proposed road is to be constructed, and each county into which, or through which it is intended to pass, and its length, as near as may be.

Each subscriber to such articles of association shall state his place of residence, and the number of shares taken by him in such company.

SEC. 2. Articles of association formed in pursuance with the provisions of the foregoing section, shall be filed in the office of the Sec-

retary of State; and thereupon the person who shall have subscribed the same, and all persons who shall from time to time become stockholders in such company, and their successors, shall be a body politic and corporate, in perpetuity, by the name stated in such articles of association, and shall be capable of suing and being sued, and may have a common seal, and may make and alter the same at pleasure; and shall be capable in law of purchasing, holding, and conveying any real and personal property whatever, necessary for the construction of such road, and for the erection of all necessary buildings, and yards, and appurtenances for the use of the same.

A copy of any articles of association filed in pursuance of this act, and certified to be a copy by the Secretary of State, or his deputy, shall, in all all courts and places, be presumptive evidence of the incorporation of such company, and of the facts stated therein.

SEC. 3. The directors named in the first section of this act, shall open books for subscription to the capital stock of the company, at such times, and in such places, as a majority of them may direct, due notice of which shall be given: and in case a greater amount of stock shall be subscribed than the whole capital required by such company, the directors shall distribute such capital stock, so subscribed, as equally as possible among the subscribers; but no share thereof shall be divided, in making such distribution, nor shall a greater number of shares be allowed to any one subscriber than by him subscribed for.

SEC. 4. There shall be an annual meeting of the stockholders, to be held in one of the counties in which or through which such road is proposed to be, or may be constructed, for the election of directors to serve for the ensuing year,—notice of which, appointing a time and place, shall be given by the directors chosen as provided in the first section of this act, for the first annual election, and afterwards by their successors in office: which notice shall be published not less than twenty days previous thereto, in a newspaper published in each county through which such road shall be intended to run, (if there be stockholders residing in all of such counties, if not, then only in such counties along the line of such road, or intended road, as shall have stockholders residing therein,) in which a newspaper shall be published; and if no newspaper be published, then by six written or printed notices put up in the most public places in such county. Three judges of election shall be chosen by the board of directors previous to any annual meeting of the stockholders, who shall be stockholders, but not directors, at the time of such elections,—whose duty it shall be to receive the votes of the stockholders at such elections for directors, and who shall openly count the votes and declare the result, and shall furnish the directors elected at such meeting of the stockholders with a certificate of their election, which certificate shall be evidence of their authority to act as such directors. Not less than seven, nor more than thirteen directors, shall be chosen at any such meeting of stockholders; and such directors shall be chosen at such meetings of stockholders, by ballot, and by a majority of the votes of the stock-

holders being present in person or by proxy; and every such stockholder, being so present at any election for directors, shall be entitled to give one vote for every share of stock which he may have owned for ten days next preceding such election; but no stockholder shall vote at any such election upon any stock except such as he shall have owned for ten days. No person shall be a director unless he shall be a stockholder, owning stock absolutely in his own right, and qualified to vote for directors at the election at which he shall be chosen. The directors shall hold their office for one year, and until others are elected in their places.

SEC. 5. Meetings of the stockholders may be called at any time during the interval between the annual meetings, by the directors or by the stockholders owning not less than one-fourth of the stock, by giving thirty days public notice of the time and place of the meetings, in the manner provided in the next preceeding section for the annual meetings, and when any such meeting is called by the stockholders, the particular object of such meeting shall be stated in such notice and if at any such meeting, thus called a majority in value of the stockholders are not represented in person or by proxy, such meeting shall be adjourned from day to day, not exceeding three days, without transacting any business, and if, within said three days, stockholders having a majority of the stock do not attend such meeting, then the meeting shall be dissolved.

SEC. 6. At a regular meeting of the stockholders of any such corporation it shall be the duty of the president and directors, in office for the preceding year to exhibit a clear and distinct statement of the affairs of said company, and at any meeting of the stockholders, a majority of those present in person or proxy, may require similar statements, from the directors, whose duty it shall be to furnish them when thus required, and at all general meetings of the stockholders, a majority in value of the stockholders in such company may remove any president or any director of such company, and elect others in their stead: *Provided*, notice of such intended removal shall have been given as required in the last preceding sections.

SEC. 7. In case it shall happen, at any time that an election of directors shall not be made on the day designated by the by laws of the company, when it ought to have been made, the company for that reason shall not be dissolved, if within ninety days thereafter they shall hold an election for directors, in such manner as shall be provided by the by laws of the company. There shall be a President of the company, who shall be chosen by, and from the directors, and also such subordinate officers as the company by its by-laws may designate, who may be elected or appointed, and required to give such security for the faithful performance of the duties of their offices, as the company by its by-laws may require: *Provided*, that nothing herein contained shall be so construed as to prevent the

stockholders from removing a President and electing another in his place in the manner prescribed in the last preceding section.

SEC. 8. It shall be lawful for the directors to call in and demand, from the stockholders respectively, any sums of money by them subscribed, in such payments, or installments, as the directors shall deem proper, under the penalty of forfeiting the shares of stock subscribed for, and all previous payments made thereon, if payment shall not be made by the stockholders, within thirty days after personal demand, or notice requiring such payment, shall have been made, in each county through which such road shall be laid out, in which a newspaper shall be published.

SEC. 9. The directors of such company shall have power to make by-laws for the management, and disposition of stock, property and business affairs of such company, not inconsistent with the laws of this State, and prescribing the duties of officers, artificers, and servants, that may be employed, and for the appointment of all the officers for carrying on all the business within the object and purposes of such company.

SEC. 10. The stock of such company shall be deemed personal estate, and shall be transferable in the manner prescribed by the laws of the company; but no shares shall be transferable until all previous calls thereon shall have been fully paid in, or the shares shall have been forfeited for the non-payment of calls thereon.

SEC. 11. The president and a majority of the directors, within thirty days after the payment of the last instalment of the capital stock so fixed and limited by the company, shall make a certificate stating the amount of the capital stock so fixed and paid in, which certificate shall be signed by the president and a majority of the directors, and sworn to by the president and secretary; and they shall within the said thirty days file and record the same in the office of the Secretary of State.

SEC. 12. Every such company, before proceeding to construct a part of their road into or through any county named in their articles of association, shall make a map and profile of the route intended to be adopted by such company, which shall be certified by a majority of the directors, and filed in the office of the clerk of such county, for the inspection and examination of all parties interested therein.

SEC. 13. Every such corporation shall possess the general powers and be subject to the liabilities and restrictions expressed in the special powers following, that is to say:

First. To cause such examination and surveys for the proposed railroad to be made, as may be necessary to the selection of the most advantageous route for the railroad, and for such purposes, by their officers, agents and servants, to enter upon the lands or waters of any person; but subject to responsibility for all damages which they shall do thereto.

Second. To receive, hold, and take such voluntary grants and

donations of real estate and other personal property as shall be made to it, to aid in the construction, maintenance and accommodation of such railroad; but the real estate thus received by voluntary grants shall be held and used for the purposes of such grants only.

Third. To purchase, and by voluntary grants and donations receive and take, and by its officers, engineers, and surveyors, and agents, enter upon and take possession of, and hold and use, all such lands and real estate and other property, as may be necessary for the construction and maintenance of its railroad and stations, depots, and other accommodations necessary to accomplish the objects for which the corporation is created; but not until the compensation to be made therefor, as agreed upon by the parties, or ascertained as hereinafter prescribed, shall have been paid to the owner or owners thereof, or deposited as hereinafter directed, unless the consent of such owner be given to enter into possession.

Fourth. To lay out its road, not exceeding six rods wide, and to construct the same; and for the purposes of cutting embankments, and procuring stone and gravel, may take as much more land, within the limits of its charter, in the manner provided hereinafter, as may be necessary for the proper construction and security of the road.

Fifth. To construct their road upon or across any stream of water, water course, road, highway, railroad, or canal, which the route of its road shall intersect, in such manner as to afford security for life and property; but the corporation shall restore the stream or water course, road or highway, thus intersected, to its former state, or in a sufficient manner not to have unnecessarily impaired its usefulness, or injured its franchises.

Sixth. To cross, intersect, join, and unite its railroad with any other railroad before constructed, at any point on its route, and upon the ground of such other railroad company, with the necessary turn-outs, sidings, and switches, and other conveniences in furtherance of the objects of its connections, and every company whose railroad is or shall be hereafter intersected by any new railroad, shall unite with the owners of such new railroad in forming such intersections and connections, and grant the facilities aforesaid, and if the two corporations cannot agree upon the amount of compensation to be made therefor, or the points or manner of such crossings and connections, the same shall be ascertained and determined by commissioners to be appointed as is provided hereinafter in respect to the taking of lands, but this section is not to affect the rights or franchises heretofore granted.

Seventh. To subscribe under such directions and restrictions as may be permitted by the by-laws, or as may be adopted at any legal meeting of the stockholders, such amount of stock in any other railroad or plank road as they may deem proper, not exceeding one-fourth of the capital stock of such railroad company actually paid in, and not exceeding one-third of the capital stock of any plank

road company to the stock of which such railroad company shall subscribe.

Eighth. To purchase lands or take them, may change the line of its road, whenever a majority of the directors shall so determine as is provided hereinafter; but no such change shall vary the general route of such road.

Ninth. To take, transport, carry, and convey persons and property on their railroad by the force and power of steam, of animals, or any mechanical power, or by any combination of them, and receive tolls or compensation therefor.

Tenth. To erect and maintain all necessary buildings, stations, depots, and fixtures and machinery, for the accommodation and use of their passengers, freight, and business, and obtain and hold the lands necessary therefor.

Eleventh. To regulate the time and manner in which passengers and property shall be transported, and the tolls and compensation to be paid therefor.

SEC. 14. In case any company formed under this act is unable to agree for the purchase of any real estate in any county, required for the purposes of its incorporation, it shall have the right to acquire the title to the same in the manner and by the special proceedings prescribed in this act.

SEC. 15. Such company is hereby authorized to enter upon any land for the purpose of examining and surveying its railroad line, and may appropriate so much thereof as may be deemed necessary for its railroad, including necessary side tracks, depots, workshops, and water stations, materials for constructing, except timber, a right of way over adjacent lands, sufficient to enable such company to construct and repair its road, and a right to conduct water by aqueducts, and the right of making proper drains. The corporation shall forthwith deposit with the clerk of the circuit or other court of record of the county where the land lies, a description of the rights and interests intended to be appropriated, and such land, rights and interests shall belong to such company, to use for the purpose specified, by making payment or giving security, as hereinafter provided. The corporation may, by its directors, purchase any such lands, materials, right of way, or interest of the owner of such land, or, in case the same is owned by a person insane or an infant, at a price to be agreed upon by the regularly constituted guardian or parent of said insane person or infant, if the same shall be appraised by the court in which the description aforesaid shall be filed; and on such agreement and approval, the owner, guardian or parent, as the case may be, shall convey the said premises so purchased, in fee simple or otherwise, as the parties may agree, to such railroad company, and the deed, when made, shall be deemed valid in law. If the corporation shall not agree with the owner of the land; or with his guardian, if the owner is incapable of contracting, touching the damages sustained by such appropriation, such corporation shall de-

liver to such owner or guardian, if within the county, a copy of such instrument of appropriation. If the owner, or his guardian, in case such owner is incapable of contracting, be unknown, or do not reside within the county, such corporation shall publish in some newspaper of general circulation in the county, for the term of three weeks, an advertisement reciting the substance of such instrument of appropriation. Upon fixing such act of appropriation and delivery of such copy, or making such publication, the circuit court or other court of record in the county where the land lies, or any judge thereof in vacation, upon application of either party, shall appoint by warrant three disinterested freeholders of such county to appraise the damages which the owner of the land may sustain by such appropriation; such appraisers shall be duly sworn, they shall consider the benefit as well as the injury which such owner may sustain by reason of such railroad, and shall forthwith return their assessment of damages to the clerk of such court, setting forth the value of the property taken, or injury done to the property, the amount of benefit conferred, and the difference between the damage done to the property taken, which they assess to such owner or owners separately, to be by him filed and recorded; and thereupon such corporation shall pay to said clerk the amount thus assessed, or secure the payment to the satisfaction of such court, or of the judge issuing the warrant; and on making payment or tender thereof to such clerk, or on giving such security as may be required, it shall be lawful for such corporation to hold the interests in such lands or materials so appropriated, and the privileges of using any materials on said road way within fifty feet on each side of the centre of such road way, for the uses aforesaid; the costs of such award shall be paid by such company, and on motion by any party interested, and showing said proceedings, the court may order payment thereof, and enforce such payment by execution. The award of such arbitrators may be reviewed by the circuit court or other court in which such proceedings may be had, on written exceptions filed by either party in the clerk's office, within ten days after the filing of such award, and the court shall take such order therein as right and justice may require, by ordering a new appraisement, on good cause shown: *Provided*, That, notwithstanding such appeal, such company may take possession of the property therein described as aforesaid, and the subsequent proceedings on the appeal shall only affect the amount of compensation to be allowed; if prior to the assessment, the corporation shall tender to such owner, or his guardian, if he be unable to contract, an amount equal to the award afterwards made, exclusive of costs; the costs of arbitration shall be paid equally by such company and such owner or guardian.

SEC. 16. If there are adverse or conflicting claimants to the money, or any part of it, to be paid as compensation for the real estate taken, the court may direct the money to be paid into the said court, by the company, or take security for the same until it can de-

termine who is entitled to the same, and shall direct to whom the same shall be paid, and may, in its discretion, order a reference to ascertain the facts on which such determination and order are to be made.

SEC. 17. The court shall appoint some competent attorney to appear for and protect the rights of any party in interest who is unknown, or whose residence is unknown, and who has not appeared in the proceedings by an agent; the court shall also have power at any time to any defect or informality in any of the special proceedings authorized by this act, as may be necessary, or to cause new parties to be added, and to direct such further notices to be given to any party in interest, as it deems proper, and also to appoint other commissioners in the place of any who shall die, or refuse or neglect, or are unable to serve, or who may leave or be absent from the State.

SEC. 18. At any time after an attempt to acquire title by appraisal of damages, or otherwise, if it shall be found that the title thereby attempted to be acquired is defective, the company may proceed anew to acquire or perfect the same, in the same manner as if no appraisal had been made; and at any stage of such new proceedings, the court may authorize the corporation, if in possession, to continue in possession; and if not in possession, to take possession of and use such real estate during the pendency, and until the final conclusion of such new proceedings, and may stay all actions and proceedings against the company, or any officer, agent, or workman of such company, on account thereof, on such company paying into court a sufficient sum, or giving security, as the court may direct, to pay the compensation therefor, when finally ascertained; and in every case, the party interested in such estate may conduct the proceedings to a conclusion, if the company delays or omits to prosecute the same.

SEC. 19. Such company shall have power from time to time to borrow such sums of money as they may deem necessary for completing and finishing or operating their rail road, and to issue and dispose of their bonds for any amounts so borrowed for such sums, and at such rate of interest as they may deem advisable, and to mortgage their corporate property and franchises to secure the payment of any debt contracted by the company for the purposes aforesaid; and the directors of the company may confer on any holder of any bond issued for money borrowed as aforesaid, the right to convert the principal due or owing thereon, into stock of said company, at any time not exceeding fifteen years from the date of said bond, under such regulations as the company may see fit to adopt; and such company may sell their bonds either within or without this State, at such rates and prices as they may deem proper, and such sales shall be as valid as if the said bonds should be sold at par value.

SEC. 20. For the purpose of providing means for the payment of its debts, and for the construction of its road, materials or equipments, such company may issue a preferred stock to an amount not

exceeding one-half of the amount of its capital, with such priority over the remaining stock of said company, in the payment of dividends, as the directors of said company may determine, and shall be approved by a majority of the stockholders.

SEC. 21. If, at any time after the location of the track of said road, in whole or in part, and the filing of the map thereof, it shall appear to the directors of said company that the line in some parts thereof may be improved, it shall be lawful for the said directors, from time to time to alter the line and cause a new map to be filed in the office where the map showing the first location is or shall be filed, and may thereupon proceed to take possession of the lands embraced in such new location that may be required for the construction and maintenance of said road on such new line, and the convenient accommodations appertaining to the same, either by agreement with the owner or owners, or by such proceedings, as near as may be, as are authorized under the preceding sections of this act, and use the same in the place of the line for which the new is substituted. Nothing in this act contained shall authorize the said company to make a location of their track within any city without the consent of the common council of said city. Nor shall the company have power so to change their road as to avoid any point named in their articles of association.

SEC. 22. Whenever the track of said railroad shall cross a road or highway, such road or highway may be carried under or over the track, as may be found most expedient; and in cases where an embankment or cutting shall make a change in the line of such road or highway desirable, with a view to a more easy ascent or descent, the said company may take such additional lands for the construction of such road or highway, or such new line as may be deemed requisite by said directors. Unless the lands so taken shall be purchased or voluntarily given for the purposes aforesaid, compensation therefor shall be ascertained in the manner in this act provided, as nearly as may be, and duly made by said corporation to the owners and persons interested in such lands; the same when so taken or compensation made, to become part of such intersecting road or highway, in such manner and by such terms as the adjacent parts of the same highway may be held for highway purposes.

SEC. 23. If any corporation shall, for its purpose aforesaid, require any land belonging to the people of this State, or to any of the counties or towns, the General Assembly of the State, and the county and town officers respectively, having charge of such lands, may grant such lands to such corporation for a compensation which shall be agreed upon between them; and if they shall not agree upon a sale and price, the same may be taken by the corporation, in the same manner as provided in respect to other cases.

SEC. 24. Every conductor, baggage master, engineer, brakeman, or other servant of any such railroad corporation, employed in a passenger train, or at stations for passengers, shall wear upon his hat

or cap a badge, which shall indicate his office, and the initial letters of the style of the corporation by which he is employed. Such conductor or collector without such badge, shall demand, or be entitled to receive from any passenger any fare, toll, or ticket, or exercise any of the powers of his office; and no other of said officers or servants, without such badge, shall have any authority to meddle or interfere with any passenger, his baggage or property.

SEC. 25. Every such corporation shall make an annual report to the Secretary of State of the operations of the year ending on the first day of January; which report shall be verified by the oaths of the treasurer and acting superintendent of operations, and filed in his office by the tenth day of January in each year, and shall state,

First. The capital stock and the amount actually paid in.

Second. The amount expended for the purchase of lands for the construction of the road, for buildings, and for engines, and cars, respectively.

Third. The amount and nature of its indebtedness, and the amounts due the corporation.

Fourth. The amount received for the transportation of passengers, of property, of mails, and from other sources.

Fifth. The amount of freight, specifying the quantity in tons, of the products of the forest, of animals, of vegetable food, other agricultural products, manufactures, merchandise, and other articles.

Sixth. The amount paid for repairs, engines, cars, buildings, and salaries.

Seventh. The number and amount of dividends, and when paid.

Eighth. The number of engine houses and shops, of engines and cars, and their character.

Ninth. The number of miles run by passenger, freight and other trains, respectively.

SEC. 26. This State shall have a lien upon all railroads of said corporations, and their appurtenances and stock therein, for all penalties, taxes and dues, which may accrue to the State from said corporations, which lien of the State shall have precedence of all demands, judgments or decrees against said corporations; and the citizens of this State shall have a lien upon all personal property of said corporations, to the amount of one hundred dollars, originally contracted within this State, which, after said lien of the State shall take precedence of all other debts, demands, judgments or decrees, liens or mortgages, against said corporation.

SEC. 27. Any such corporation shall, when applied to by the Postmaster General, convey the mails of the United States on the road or roads, respectively; and in case such corporation shall not agree to the rates of transportation thereof, and as to time, rate of speed, manner and condition of carrying the same, it shall be lawful for the Governor of this State to appoint three commissioners, who, or a majority of them, after fifteen days' notice in writing of the time and place of meeting, to the corporation, shall determine and

fix the prices, times and conditions aforesaid; but such prices shall not be less for conveying said mails in the regular passenger trains than the amount which said corporation would receive as freight on a like weight of merchandise transported in their merchandize trains; and a fair compensation for the post office car. And in case the Postmaster General shall require the mail to be carried at other hours and at a higher speed than the passenger trains are run at, the corporation shall furnish an extra train for the mail, and be allowed an extra compensation for the expenses and wear and tear thereof, and for the services to be fixed as aforesaid.

SEC. 28. If any passenger shall refuse to pay his fare or toll, it shall be lawful for the conductor of the train, and the servants of the corporation, to put him out of the cars at any usual stopping place the conductor shall select.

SEC. 29. Every such corporation shall start and run their cars for the transportation of passengers and property, at regular times, to be fixed by public notice, and shall furnish sufficient accommodations for the transportation of all such passengers and property as shall, within a reasonable time previous thereto, offer or be offered, for transportation, at the place of starting, and the junctions of other railroads, and at siding and stopping places established for receiving and discharging way passengers and freight, and shall take, transport and discharge such passengers and property at, from and to such places, on the due payment of tolls, freight or fare legally authorized therefor.

SEC. 30. In case of the refusal, by such corporation or their agents, so to take and transport any passenger or property, or to deliver the same or either of them at the regular or appointed place, such corporation shall pay to the party aggrieved all damages which shall be sustained thereby, with costs of suit.

SEC. 31. In forming a passenger train, baggage or freight or merchandise or lumber cars, shall not be placed in rear of passenger cars, and if they, or any of them, shall be so placed, and any accident shall happen to life or limb, the officer or agent who so directed or knowingly suffered such arrangement, and the conductor or engineer of the train, shall each and all be held guilty of intentionally causing the injury, and be punished accordingly.

SEC. 32. In case any passenger on any railroad shall be injured on the platform of a car, or on any baggage, wood or freight car, in violation of the printed regulations of the company, posted up at the time in a conspicuous place inside of its passenger cars, then in train, such company shall not be liable for the injury: *Provided*, said company at the time furnished room inside its passenger cars, sufficient for the proper accommodation of passengers.

SEC. 33. Every corporation shall, within a reasonable time after their road shall be located, cause to be made:

First. A map and profile thereof, and of the land taken and obtained for the use thereof, and file the same in the office of the Sec-

retary of State, and also like maps of the parts thereof located in different counties, and file the same in the office of the clerk of the county in which said parts of said road shall be, there to remain as of record forever.

Second. A certificate specifying the line upon which it is proposed to construct the railroad, and the grades and curves.

SEC. 34. If any corporation shall not, within three years after its incorporation, begin the construction of its road, and expend thereon five per centum on the amount of its capital, and finish the road and put it in full operation in ten years thereafter, its act of incorporation shall become void.

SEC. 35. All existing railroad corporations within this State, shall, respectively, have and possess all the powers and privileges conferred by this act, so far as they shall be applicable to their present condition.

On motion by Mr. Nelson,

The bill and amendment was laid on the table.

Mr. Leviston chairman of the committee on Corporations made the following report :

MR. SPEAKER :

The committee on Corporations to whom was referred petitions from the citizens of New Albany, praying the enlargement of the city limits, have had the same under consideration and instructed me to report, that in the opinion of the committee it would be unconstitutional to grant the prayer of the petitioners, and ask to be discharged from the further consideration thereof.

Which report was concurred in.

On motion,

Leave was ganted Mr. Kent to withdraw the papers relative to the enlargement of the city limits of New Albany.

RESOLUTIONS OF THE HOUSE.

Mr. Lindsay of Howard offered the following resolution :

Resolved, That the commissioners elected to revise, simplify and abridge the rules, practice, pleadings, and forms of the courts of Justice, be and they are hereby requested to report to this House at their earliest convenience the progress they have made in the discharge of said duties, also at what time they will be able to complete their labors.

On motion by Mr. Gibson,
The resolution was amended by adding at the proper place
"whether they are likely to agree on any system."
The resolution as amended was then adopted.

On motion by Mr. Buskirk,

Resolved, That the Auditor of State be requested to communicate to this House, at his earliest convenience, the ordinary expenses of the State government, each year, commencing with the fiscal year 1839, and ending October, 1851.

On motion by Mr. Doughty,

Resolved, That all committees who have business before them be and they are hereby instructed to report the same to the house as soon as possible.

Mr. Stuart, by the unanimous consent of the House, obtained leave and introduced

No. 174. A bill in relation to the competency of witnesses ;
Which was read a first time, and passed to a second reading.

Mr. Stanfield, in pursuance of previous notice, obtained leave and introduced

No. 175. A bill authorizing the circuit court of Clinton county to sit two weeks, if the business requires it ;
Which was read a first time and passed to a second reading.

Mr. Reynolds, by the unanimous consent of the House, obtained leave and introduced

No. 176. A bill in relation to the completion of the unfinished canals in the State of Indiana ;
Which was read a first time, and passed to a second reading.

ORDERS OF THE DAY.

House bills on third reading.

No. 26. A joint resolution in relation to the claim of Col. Francis Vigo, late citizen of Knox county, Indiana ;
Was read a third time.

Mr. Lindsay of Howard moved to lay the joint resolution on the table ;

Which was disagreed to.

The question then being, shall the joint resolution pass?

Those who voted in the affirmative were,

Messrs. Barker, Behm, Bryant, Buskirk, Carpenter, Chowning, Cockrum, Cromwell, Davis, Donham, Eccles, Geddes, Graham, Hays of White, Hicks, Holladay of Parke, Hudson, Hunt, Kent, King, Lawrence, Leviston, McDonald, Owen, Ray, Reynolds, Stanfield, Stuart, Watson, Williams, and Mr. Speaker—31.

Those who voted in the negative were,

Messrs. Beach, Beane, Beeson, Bulla, Crawford, Dice, Douthit, Foster, Gibson, Goudy, Gunn, Hanna, Hart, Hay of Clark, Henry, Huey, Huffstetter, Lavery, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McAllister, McDowell, Miller, Morris, Mudget, Nelson, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stover, Sumner, Taggart, Torbet, and Wilson—42.

So the joint resolution did not pass.

Mr. Hay of Clark moved to reconsider the vote by which the House rejected joint resolution No. 26 ;

Which was agreed to.

The question then being, Shall the joint resolution pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Behm, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Crawford, Cromwell, Davis, Donham, Doughty, Douthit, Eccles, Geddes, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Hicks, Holladay of Parke, Hudson, Hunt, Kent, King, Lavery, Lawrence, Leviston, Lewis, Lindsay of Howard, Litchfield, Mayfield, McAllister, McDonald, Miller, Mudget, Owen, Ray, Reynolds, Scudder, Shanklin, Stanfield, Staton, Stuart, Sumner, Sweet, Taggart, Thompson, Torbet, Watson, Williams, and Mr. Speaker—58.

Those who voted in the negative were,

Messrs. Beeson, Dice, Foster, Gibson, Henry, Huey, Huffstetter, Lindsey of Fayette, Major, Manson, McDowell, Morris, Nelson, Schoonover, Smith of Marion, Smith of Spencer, Stover, and Wilson—18.

So the joint resolution passed.

Ordered, that the clerk inform the Senate thereof.

Mr. Kent, from a select committee, reported back House bill No. 134, in relation to dividing the State into supreme judicial districts; Which was laid on the table.

Senate No. 68. A joint resolution on the subject of the slave trade, and for the purpose of colonization;

Was read a third time.

And the question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Behm, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Crawford, Cromwell, Dice, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Henry, Hicks, Holladay of Parke, Hudson, Huey, Hunt, Kent, King, Lavery, Lawrence, Leviston, Lewis, Lindsey of Fayette, Litchfield, Mayfield, McAllister, McDowell, Miller, Mudgett, Nelson, Owen, Ray, Schoonover, Scudder, Shanklin, Smith of Marion, Stanfield, Staton, Stover, Stuart, Sweet, Taggart, Torbet, Williams, and Wilson—61.

Those who voted in the negative were,

Messrs. Goudy, Lindsay of Howard, Major, Manson, McDonald, Morris, Reynolds, Smith of Spencer, Sumner, Watson and Mr. Speaker—11.

So the joint resolution passed.

Ordered, that the clerk inform the Senate thereof.

Senate No. 85. A bill regulating the time of holding courts in the 12th judicial circuit, and to regulate the time of empannelling a traverse jury in the county of Allen;

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Behm, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cromwell, Davis, Dice, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Henry, Hicks, Holladay of Parke, Hudson, Huey, Hunt, Kent, Lavery, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Ma-

jor, Manson, Mayfield, McAllister, McDonald, McDowell, Miller, Morris, Mudget, Nelson, Owen, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stover, Stuart, Sumner, Sweet, Taggart, Torbet, Watson, Williams, Wilson and Mr. Speaker—72.

Mr. King voted in the negative.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Lewis moved to reconsider the vote by which House bill No. 127 was indefinitely postponed a few days since.

Which was not agreed to.

Mr. McDowell moved that the House adjourn to meet to-morrow morning, 9 o'clock.

Which was disagreed to.

Mr. Carpenter, by unanimous consent of the House, submitted the following resolution:

Resolved, That the House, the Senate concurring, adjourn on the — day of March, to meet again on the — day of May or June, next, no pay to be drawn by the members and officers of the House and Senate during the interim.

Resolved, further, That we select — members from the House, and — members from the Senate, to bring up and prepare the business necessary to be acted upon by the Legislature on its return.

Mr. Nelson moved to amend by adding, in the proper place, "traveling expenses."

Which was accepted by Mr. Carpenter.

Mr. Carpenter moved to amend the resolution so as to instruct the committee on the Judiciary to report a bill embracing the provisions embodied in the resolution.

Which was disagreed to.

On motion by Mr. Shanklin,

The resolution was laid on the table.

Mr. Kent moved for leave of absence for Mr. Hudson for three days;

Which was disagreed to.

Mr. Laverty, from the joint committee on Enrolled bills, made the following report:

MR. SPEAKER:

The joint committee on Enrolled bills have compared enrolled bills of the Senate numbered 74 and 88 with the engrossed copies thereof, and find the same correctly enrolled.

Mr. Laverty, from the joint committee on Enrolled bills, made the following report:

MR. SPEAKER:

The joint committee on Enrolled bills have this day presented to the Governor, for his approval, enrolled bill of the House No. 165; also, enrolled joint resolution of the House No. 24.

Mr. Smith of Marion, chairman of the committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The committee on Enrolled Bills have compared the following enrolled with the engrossed bill of the House of the corresponding number, and find the same correctly enrolled:

No. 165. An act for the repeal of an act limiting the fees of the auditor in the county of Marshall.

Whereupon, the Speaker signed the same.

Ordered that the Clerk inform the Senate thereof.

A message from the Governor, by Mr. King, executive messenger:

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives that he has approved and signed the following bills, to-wit:

No. 82. A bill to enable the Madison and Indianapolis Railroad Company to avoid the inclined plane at Madison, to provide for the sale of the interest of the State in said railroad, and to repeal, so far as it affects the Madison and Indianapolis Railroad Company, the 55th and 58th sections of the act entitled an act for the continuance and construction of all or any part of the public works of this State, by private companies, and for abolishing the Board of Internal Improvements, and the offices of Fund Commissioner and Chief Engineer, approved January 28, 1842.

No. 103. An act to provide for the speedy redemption of the outstanding treasury notes of the State of Indiana.

Which bills originated in the House.

Mr. Laverty, from the joint committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The joint committee on Enrolled Bills have compared enrolled joint resolutions of the House numbered 24, 48 and 77, with the engrossed copies thereof, and find them correctly enrolled.

Mr. Suit, chairman of the committee on Engrossed Bills, made the following report:

MR. SPEAKER:

The committee on Engrossed Bills have examined House bills Nos. 105 and 171, also joint resolution No. 26, and find them correctly engrossed.

On motion by Mr. Doughty,
The House adjourned until to-morrow morning 9 o'clock.

MARCH 1st, 1852—2 o'clock, P. M.

The House convened under the special order of the Speaker;

When

Mr. Bryant arose in his place, and announced the decease of the Hon. Henry Hostetter, Representative from the county of Vermillion, and in a few pathetic remarks, alluded to the melancholy event and the honorable bearing of the deceased as a member of this body, and the social and moral qualities which endeared him to his bereaved family, and numerous friends, as a citizen.

Mr. Bryant then submitted the following resolutions:

Resolved, That the members and officers of the House have received with deep sensibility the melancholy intelligence of the death of the Hon. Henry Hostetter, late Representative from the county of Vermillion.

Resolved, That in token of respect for the memory of the Hon. Henry Hostetter, the members and officers of the House will wear the usual badge of mourning during the remainder of the present session of the General Assembly.

Resolved, That arrangements be made at the expense of the State to convey the body of the deceased to his family residence.

Resolved, That the members and officers of the House will form

in procession at the Capital House, on Tuesday morning, 2d inst., at 7½ o'clock, and move to the lodgings of the deceased in that order, and from thence attend the corpse to the Terre Haute depot.

Resolved, That His Excellency the Governor, the Judges of the Supreme Court, and the other officers of State now at the seat of government, be invite to unite in the procession, and that joint participation on the part of the members and officers of the Senate be requested therein.

Resolved, That the Speaker of the House appoint a committee of three members of the House to accompany the remains of our departed friend to his late residence in the county of Vermillion.

Resolved, That the Speaker of the House transmit a copy of these resolutions to the family of the deceased.

Resolved, That a committee be appointed to make the requisite arrangements upon this mournful occasion.

Resolved, That the Clerk of this House be directed to inform the Senate of the proceedings of this House herein.

Which were unanimously adopted.

Messrs. Williams, Bryant, Holladay of Parke, Hudson, Foster, McDonald, and Huffstetter were appointed the committee of arrangements.

Messrs. Graham, Bryant, and Holladay of Parke were appointed the committee to accompany the corpse to the family residence of the deceased.

As further token of respect to the memory of the deceased,

On motion by Mr. Williams,

The House adjourned.

TUESDAY MORNING, 9 o'clock, }
March 2, 1852. }

The House met.

The journal of the preceding day was partly read.

When,

On motion by Mr. Gibson,

The further reading of the Journal was dispensed with.

The Speaker laid before the House the following communication from the Law Commissioners, in obedience to a resolution of the House:

COMMISSIONERS' ROOM, }
March 2, 1852. }

HON. JOHN W. DAVIS,

Speaker of the House of Representatives:

SIR—We have the honor herewith to submit a reply to the resolution of the House of Representatives, adopted on the 1st instant, which you will please lay before the body over which you have the honor to preside.

We are, sir, very respectfully,

Your ob't servants,

J. A. LISTON,

GEO. W. CARR,

WALTER MARCH,

Commissioners.

By order of the commission:

GEO. W. HARGITT, Clerk.

COMMISSIONERS' ROOM, }
March 2, 1852. }

Gentlemen of the House of Representatives:

In obedience to the following resolution, adopted by your honorable body on the 1st inst., to-wit:

Resolved, That the Commissioners elected to revise, simplify, and abridge the rules, practice, and pleadings, and forms of the courts of justice be, and they are hereby requested to report to this House at their earliest convenience, the progress they have made in the discharge of said duties; also, at what time they will be able to complete their labors; and, also, whether they are likely to agree.

The Commissioners respectfully submit the following reply thereto:

As to the first inquiry, we state that we have prepared a rough draft, comprising some two hundred sections, embracing the more general provisions of a code of procedure for the circuit courts, but have no part of our labors in a state of completion to be reported.

As to the second inquiry, we state that, in view of the amount of labor which we are necessarily called upon to perform, in order to carry out the provisions of the Constitution, the act creating this Commission, and to meet the just expectations of the people, who have demanded a radical reformation in the whole system of judicial procedure, we are unable at present to give any definite idea of the time it may require to complete our labors.

As to the third inquiry, we believe we shall be able to agree.

All of which is respectfully submitted.

J. A. LISTON,
GEO. W. CARR,
WALTER MARCH,
Commissioners.

By order of the Board.

Attest: GEO. W. HARGITT, Clerk.

On motion by Mr. Stanfield,
The communication was laid on the table.

PETITIONS AND MEMORIALS, &c., PRESENTED.

By Mr. Struble:

A communication from E. C. Boyd;

Which,

On motion,

Was referred to the committee on Ways and Means.

By Mr. Morris:

The memorial of 350 ladies and gentlemen of Henry county, on the subject of temperance;

Which,

On motion,

Were referred to the committee on Temperance.

By Mr. Carpenter:

The petition of John McCoy and others, on the subject of taxing foreign life insurance companies;

Which,

On motion,

Was referred to the committee on Corporations.

By Mr. Marrs:

The petition of sundry citizens of Bellville, praying the repeal of an act annexing the town of Bellville to the town of Vernon;

Which,

On motion,

Was referred to the committee on Corporations.

REPORTS FROM COMMITTEES.

Mr. Carpenter, from the committee on Ways and Means, made the following report:

MR. SPEAKER:

The committee of Ways and Means, to whom were referred two resolutions of the House; the first instructing them to report a bill providing for a State Board of Equalization, and the second instructing them to provide for both district and State Boards of Equalization, composed of the county auditors; have had the subject of those resolutions under consideration, and have instructed me, in compliance with said resolutions, to report the accompanying bill.

No. 177. A bill to provide for equalizing the appraisement, for taxation, of the real property in the State of Indiana;

Which was read a first time and passed to a second reading.

Mr. Stuart, from the Judiciary committee, made the following report:

MR. SPEAKER:

The Judiciary committee, to which was referred House bill No. 156, have had that subject under consideration, and have directed me to report that they have made sundry verbal amendments, to adapt the law to the provisions of the new constitution, and to the wording of other enactments passed at the present session. These amendments were too numerous and unimportant to be noticed in detail in their report; and were for the most part made in the body of the bill. All amendments worthy of note are herewith reported;

in which amendments, alike as to the phraseology and the new matter proposed, the concurrence of the House is respectfully asked; and when so amended, the committee respectfully recommend the passage of the bill.

Amend section 1st. Strike out "and be imprisoned," and insert "to which may be added imprisonment;" also, insert after the word "not," "less than one hundred dollars."

Section 2, the same as above in section one.

Section 5 strike out.

Section 6 strike out.

Section 7 strike out.

Section 8 add to, "and if any person shall fight with another by agreement, he may be charged and convicted as for an assault and battery; and each of the persons so fighting by agreement shall be deemed guilty of assault and battery, and be punished accordingly."

Section 9 strike out.

Strike out the following sections: 1, 8, 19, 20, 22, 31, 32, 41, 42, 44, 60, 101, 102, 103, 104, 105, 106, 111.

And add the following sections herewith reported, viz:

SEC. —. Any person who shall sever from the soil, steal, take or carry away, any corn growing on the stalk, apples or other fruit on the tree, pumpkins or melons on the vine, or any other annual product attached to the realty or growing in the soil, shall be deemed guilty of a misdemeanor, and on conviction, shall be fined in any sum not less than five, nor more than one hundred dollars, and imprisoned in the county jail not less than ten nor more than sixty days.

SEC. —. Should any person, when requested by the assessor, or any of his deputies, fail or refuse to give a full and true list of his taxable property, in the manner required by law, or to take and subscribe any oath required by law in that behalf, or should fail or refuse to comply with any other requisition of the laws of this State in relation to the listing and assessment of property for the purpose of taxation, every such person so offending shall on conviction be fined in any sum not exceeding one thousand dollars.

SEC. —. All offences punishable under this act shall be prosecuted in such court as may be designated by law, and without the intervention of a grand jury, on a written charge verified by affidavit. Such charge shall be good if it be certain in its allegations to a common intent, and fully apprise the party abused of what he is called to answer, and in the absence of any other statutory provisions, the offences contemplated by this act shall be cognizable in any court of record of this State.

SEC. —. All indictments now pending, and all offences committed against any of the laws of this State, shall be prosecuted and punished as is now provided by law; and for all the purposes of

prosecution and punishment, the present criminal laws shall not, by reason of anything in this act contained, be at any time hereafter considered as repealed, but all offences committed after the first day of January, eighteen hundred and fifty-three, shall be prosecuted and punished under this act, and all offences committed up to that date shall be prosecuted and punished in manner now provided by law.

SEC. —. This act shall take effect and be in force from and after the first day of January, one thousand eight hundred and fifty-three, and all other laws for the punishment of misdemeanors shall, save for the purpose of prosecution and punishment as provided in the last preceding section, thenceforth be repealed.

On motion by Mr. Gibson,
The amendments of the committee were concurred in, excepting the amendment changing the 80th section of the Revised Statutes, relative to adultery.

Mr. Buskirk submitted the following amendment:

Insert in the proper place: "Or shall fraudulently or intentionally omit to give in any part of his capital or property liable to taxation, or shall fix a fraudulent value thereon."

Which was agreed to.

The bill was then ordered to be engrossed.

The Speaker laid before the House the following communication from the Auditor of State:

OFFICE OF AUDITOR OF STATE, }
INDIANAPOLIS, March 2, 1852. }

HON. JOHN W. DAVIS,

Speaker of the House of Representatives:

SIR—Please lay before the House the accompanying communication, and oblige,

Very respectfully,

Your obedient servant,

E. W. H. ELLIS,

Auditor of State.

OFFICE OF AUDITOR OF STATE, }
 INDIANAPOLIS, March 2, 1852. }

HON. JOHN W. DAVIS,

Speaker of the House of Representatives:

SIR,—I have received the following resolution adopted by the House on yesterday, to-wit:

On motion of Mr. Buskirk,

Resolved, That the Auditor of State be requested to communicate to this House, at his earliest convenience, the ordinary expenses of the State government each year, commencing with the fiscal year 1837, and ending October, 1851.

In answer thereto, I have the honor to state that the ordinary expenses of the State government have uniformly been classed under the following heads, to-wit:

- Expenses of Probate Judges;
- Expenses of the Judiciary;
- Expenses of State House;
- Specific appropriations;
- Public printing, paper, and binding;
- Expenses of Legislature;
- Expenses of State Library;
- Expenses of Militia;
- Fuel and Stationery;
- Executive Department;
- Contingent Fund;
- Governor's Circle;
- Governor's House;
- Expense of State Prison;
- Distribution of Laws and Journals;
- Prosecuting Attorneys;
- Transportation of Public Arms.

The period embraced in the resolution covers the administration of David Wallace, Governor, from 1837 to 1840; Samuel Bigger, from 1840 to 1843; James Whitcomb, from 1843 to 1848; Paris C. Dunning, from 1848 to 1849; and Joseph A. Wright, from 1849 to 1851, in all, fourteen years. The details are as follows:

From November 30, 1837, to November 30, 1838.

Expenses of Probate Judges,.....	\$3,181 50
Expenses of the judiciary,.....	9,933 39
Expenses of State House,.....	6,641 51
Specific appropriations,.....	5,321 45
Public printing, paper, and binding,.....	9,024 56
Expenses of Legislature,.....	24,379 24
Expenses of State Library,.....	301 29
Expenses of militia,.....	
Fuel and stationery,.....	
Executive Department,.....	2,999 00
Contingent Fund,.....	1,017 52
Governor's Circle,.....	
Governor's House,.....	
Expense of State Prison,.....	912 12
Distribution of laws and journals,.....	
Prosecuting attorneys,.....	1,344 62
Militia account,.....	208 33
Total,.....	<hr/> \$65,264 53

For the Financial Year 1839.

Expenses of Probate Judges,.....	\$3,072 00
Expenses of the judiciary,.....	11,774 55
Expenses of State House,.....	1,042 10
Specific appropriations,.....	8,369 18
Public printing, paper, and binding,.....	17,798 93
Expenses of Legislature,.....	42,562 12
Expenses of State Library,.....	437 50
Militia account,.....	190 25
Fuel and stationery,.....	
Executive Department,.....	2,716 66
Contingent Fund,.....	1,059 66
Governor's Circle,.....	
Governor's House,.....	
Expense of State Prison,.....	1,065 36
Distribution of laws and journals,.....	
Prosecuting attorneys,.....	1,552 57
Total,.....	<hr/> \$91,640 88

For the Financial Year 1840.

Expenses of Probate Judges,.....	\$3,765 00
Expenses of the judiciary,.....	16,313 53
Expenses of State House,.....	1,101 87
Specific appropriations,.....	6,251 97
Public printing, paper, and binding,.....	12,457 81
Expenses of Legislature,.....	45,052 17
Expenses of State Library,.....	400 00
Militia account,.....	125 00
Fuel and stationery,.....	
Executive Department,.....	3,850 00
Contingent Fund,.....	671 00
Governor's Circle,.....	
Governor's House,.....	
Expense of State's Prison,.....	1,551 69
Distribution of laws and journals,.....	
Prosecuting attorneys,.....	1,725 66
	<hr/>
	\$93,265 79

For the Financial Year 1841.

Expenses of Probate Judges,.....	\$3,939 00
Expenses of the judiciary,.....	15,432 88
Expenses of State House,.....	2,378 01
Specific appropriations,.....	8,528 03
Public printing, paper and binding,.....	11,574 56
Expenses of Legislature,.....	38,092 59
Expenses of State Library,.....	562 07
Militia account,.....	150 00
Fuel and stationery,.....	1,301 72
Executive Department,.....	3,559 55
Contingent Fund,.....	823 61
Governor's Circle,.....	
Governor's House,.....	
Expense of State's Prison,.....	1,655 23
Distribution of laws and journals,.....	
Prosecuting attorneys,.....	1,632 91
	<hr/>
Total,.....	\$89,630 16

For the Financial Year 1842.

Expenses of Probate Judges,.....	\$4,514 00
Expenses of the judiciary,.....	13,378 59
Expenses of State House,.....	1,281 90
Specific appropriations,.....	3,110 38
Public printing, paper and binding,.....	6,170 22
Expenses of Legislature,.....	33,826 39
Expense of State Library,.....	803 90
Militia account,.....	176 63
Fuel and stationery,.....	2,476 13
Executive Department,.....	8,349 81
Contingent Fund,.....	1,370 16
Governor's Circle,.....	
Governor's House,.....	535 03
Expense of State's Prison,.....	5,111 15
Distribution of laws and journals,.....	
Prosecuting attorneys,.....	2,091 78
	<hr/>
	\$83,196 07

For the Financial Year 1843.

Expenses of Probate Judges,.....	\$4,671 00
Expenses of the judiciary,.....	20,464 21
Expenses of State House,.....	600 10
Specific appropriations,.....	4,815 99
Public printing, paper and binding,.....	5,120 52
Expenses of Legislature,.....	39,842 28
Expenses of State Library,.....	456 24
Militia account,.....	225 00
Fuel and stationery,.....	5,775 25
Executive Department,.....	5,550 00
Contingent Fund,.....	1,737 15
Governor's Circle,.....	
Governor's House,.....	225 89
Expense of State's Prison,.....	1,076 87
Distribution of laws and journals,.....	
Prosecuting attorneys,.....	1,744 88
	<hr/>
Total,.....	\$92,305 38

For the Financial Year 1844.

Expenses of Probate Judges,.....	\$4,004 00
Expenses of the judiciary,.....	17,883 40
Expenses of State House,.....	1,447 89
Specific appropriations,.....	7,279 38
Public printing, paper, and binding,.....	15,834 13
Expenses of Legislature,.....	25,112 62
Expense of State Library,	382 56
Militia account,	227 12
Fuel and stationery,.....	12,959 15
Executive Department,	3,102 04
Contingent Fund,.....	1,386 54
Governor's Circle,.....	
Governor's House,.....	638 62
Expense of State's Prison,	1,417 88
Distribution of laws and journals,.....	
Prosecuting attorneys,.....	1,693 40
Total,	<u>\$93,368 73</u>

For the Financial Year 1845.

Expenses of Probate Judges.....	\$5,398 00
Expenses of the Judiciary.....	14,615 31
Expenses of State House.....	3,649 75
Specific appropriations.....	4,619 86
Public printing, paper and binding.....	4,209 54
Expenses of Legislature.....	24,998 27
Expense of State Library.....	472 57
Militia account	200 00
Fuel and stationery	2,156 71
Executive Department.....	4,300 00
Contingent fund.....	1,232 70
Governor's Circle	
Governor's House.....	86 83
Expense of State Prison	2,195 19
Distribution of laws and journals.....	
Prosecuting attorneys	1,860 93
Total	<u>\$69,995 66</u>

For the Financial Year 1846.

Expenses of Probate Judges,	\$4,919 00
Expenses of the Judiciary,	15,045 22
Expenses of State House,	568 32
Specific appropriations,	6,228 95
Public printing, paper and binding,	4,904 90
Expenses of Legislature,	27,275 90
Expense of State Library,	438 55
Militia account,	200 00
Fuel and stationery,	2,111 69
Executive Department,	2,000 00
Contingent fund,	319 73
Governor's Circle,	54 27
Governor's House,	
Expense of State Prison,	2,188 11
Distribution of laws and journals,	439 61
Prosecuting attorneys,	1,818 33
Transporting and preserving public arms,	591 81
On account of Presidential election,	32 20
Total	\$69,136 59

For the Financial Year 1847.

Expense of Probate Judges,	4,998 00
Expenses of the Judiciary,	14,659 45
Expenses of State House,	1,586 75
Specific appropriations,	11,193 18
Public printing, paper and binding,	7,360 97
Expenses of Legislature,	29,220 24
Expenses of State Library,	1,558 07
Militia account,	850 00
Fuel and stationery,	3,093 36
Executive department,	9,101 18
Contingent Fund,	619 30
Governor's Circle,	64 16
Governor's House,	855 15
Expenses of State Prison,	2,609 97
Distribution of laws and journals,	436 71
Prosecuting attorneys,	1,964 67
Transportation of public arms,	588 51
Total	\$90,759 67

For the Financial Year 1848.

Expenses of Probate Judges,.....	5,425 00
Expenses of the Judiciary,	13,891 57
Expenses of State House,.....	505 23
Specific appropriations,	3,705 08
Public printing, paper and binding,.....	6,063 64
Expenses of Legislature,.....	34,234 35
Expenses of State Library,.....	1,090 16
Militia account,.....	862 61
Fuel and stationery	4,429 10
Executive Department,.....	3,550 00
Contingent Fund,	323 70
Governor's Circle,.....	22 87
Governor's House,.....	194 81
Expenses of State Prison,.....	3,086 00
Distribution of laws and journals,	308 78
Prosecuting attorneys,.....	1,574 58
Total	\$79,267 48

For the Financial Year 1849.

Expenses of Probate Judges,.....	5,066 00
Expenses of the Judiciary,.....	16,662 67
Expenses of State House,.....	329 73
Specific appropriations,	1,202 62
Public printing, paper and binding,.....	7,471 22
Expenses of Legislature,.....	28,465 86
Expenses of State Library,.....	751 99
Militia account,.....	1,226 74
Fuel and stationery,	3,416 36
Executive Department,.....	4,496 66
Contingent Fund,.....	842 12
Governor's Circle,.....	
Governor's House,	154 28
Expenses of State Prison,.....	2,475 04
Distribution of laws and journals,	532 58
Prosecuting attorneys,.....	570 00
Transportation of public arms,.....	217 60
Total,.....	\$73,881 47

For the Financial Year, 1850.

Expense of Probate Judges.....	\$4,795 00
Expenses of the Judiciary.....	14,910 81
Expenses of State House.....	588 71
Specific appropriations.....	3,114 29
Public printing, paper and binding.....	11,522 49
Expenses of Legislature.....	31,010 64
Expense of State Library.....	964 81
Militia account.....	539 17
Fuel and stationery.....	2,453 13
Executive department.....	5,877 93
Contingent fund.....	1,765 30
Governor's Circle.....	525 34
Governor's House.....	1,309 56
Expense of State Prison.....	3,606 63
Distribution of laws and journals.....	551 54
Prosecuting Attorneys.....	
Transportation of public arms.....	79 75
	<hr/>
	\$83,615 10

For the Financial Year, 1851.

Expense of Probate Judges.....	4,512 00
Expenses of the Judiciary.....	11,100 74
Expenses of State House.....	727 55
Specific appropriations.....	2,402 18
Public printing, paper and binding.....	9,815 74
Expenses of Legislature.....	30,420 85
Expense of State Library.....	242 21
Militia account.....	259 15
Fuel and stationery.....	3,177 09
Executive Department.....	4,272 39
Contingent fund.....	469 65
Governor's Circle.....	7 43
Governor's House.....	484 87
Expense of State Prison.....	3,425 16
Distribution of laws and journals.....	493 35
Prosecuting Attorneys.....	
	<hr/>
Total.....	\$71,810 36

Recapitulation.

Expenditures for 1838.....	\$65,264 53
“ “ 1839.....	91,640 88
“ “ 1840.....	93,265 79
“ “ 1841.....	89,630 16
“ “ 1842.....	83,196 07
“ “ 1843.....	92,305 38
“ “ 1844.....	93,368 73
“ “ 1845.....	69,995 66
“ “ 1846.....	69,136 59
“ “ 1847.....	90,759 67
“ “ 1848.....	79,267 48
“ “ 1849.....	73,881 47
“ “ 1850.....	83,615 10
“ “ 1851.....	71,810 36
Total.....	<hr/> \$1,147,137 87

Average expenditure per annum for the entire period..	81,938 42
Average expenditure for 1838, 1839 and 1840.....	83,390 40
Average expenditure for 1841, 1842 and 1843.....	88,377 20
Average expenditure for 1844 to 1849 inclusive	79,401 60
Average expenditure for 1850 and 1851.....	77,712 73

Respectfully submitted,

E. W. H. ELLIS,

Auditor of State.

On motion by Mr. Buskirk,

The report was laid on the table, and 150 copies ordered to be printed.

Mr. McAllister, chairman of the committee on Agriculture, made the following report:

MR. SPEAKER:

The committee on Agriculture, to whom was referred bill of the House No. 170, concerning the regulation of weights and measures, have had the same under consideration, and have instructed me to report the same back to the House with the following amendment, and when adopted, to recommend its passage.

Strike out the figures 57, in the 5th line of the 3d section, and insert the figures 70 in lieu thereof.

The amendments of the committee were concurred in, and the bill ordered to be engrossed.

Mr. Hays of White, from the committee on Agriculture, made the following report:

MR. SPEAKER:

The resolution referred to the Agricultural committee, instructing them to inquire into the expediency of so changing the law, as to not require resident landholders to give notice to non-residents of their intention to survey undivided lands, the committee has had the same under consideration and deem it inexpedient to legislate upon; therefore the committee asks to be discharged from the further consideration of the subject.

Which report was concurred in.

Mr. Nelson, from the committee on Agriculture, made the following report:

MR. SPEAKER:

The committee to whom was referred joint resolutions of the States of New Hampshire, Rhode Island and Florida, in regard to the establishment of an Agricultural Bureau at Washington City, have had the same under consideration, and instructed me to report that the House has already passed a joint resolution on that subject, and ask to be discharged from the further consideration thereof.

The committee was discharged.

Mr. Stuart, chairman of the committee on the Organization of Courts of Justice, made the following report:

MR. SPEAKER:

The committee on the Organization of Courts, to whom was referred House bill No. 70, a bill to establish courts of common pleas, and defining the jurisdiction and duties of the judges thereof, have had the same under consideration, and have made sundry amendments, and when so amended, they respectfully recommend the passage of the bill.

Strike out section 3d, in the printed bill, and insert the following:

SEC. 3. For the purpose of elections of Judges of the court of common pleas, the State shall be divided into districts, as follows, to-wit:

Posey and Gibson counties shall be a district;

Vanderburgh a district;

Warrick, Spencer and Perry, a district;
 Pike and Dubois a district;
 Crawford, Orange, Washington and Harrison, a district;
 Floyd a district;
 Clark and Scott a district;
 Jefferson a district;
 Switzerland and Ohio a district;
 Dearborn and Ripley a district;
 Jennings and Bartholomew a district;
 Jackson and Lawrence a district;
 Martin, Daviess and Knox a district;
 Sullivan, Greene and Owen, a district;
 Vigo and Clay a district;
 Morgan, Monroe and Brown, a district;
 Johnson a district;
 Shelby a district;
 Decatur and Rush a district;
 Franklin, Fayette and Union, a district;
 Wayne a district;
 Hancock and Henry a district;
 Marion a district;
 Hendricks and Putnam a district;
 Parke and Vermillion a district;
 Fountain a district;
 Montgomery a district;
 Tippecanoe a district;
 Carroll and Clinton a district;
 Boone a district;
 Hamilton, Tipton and Howard a district;
 Madison and Grant a district;
 Blackford and Delaware a district;
 Jay and Randolph a district;
 Wells and Adams a district;
 Huntington and Wabash a district;
 Miami, Cass and White a district;
 Warren, Benton and Jasper a district;
 Pulaski and Fulton a district;
 Kosciusko, Whitley and Noble a district;
 Allen a district;
 De Kalb and Steuben a district;
 Lagrange and Elkhart a district; and
 Laporte, Porter and Lake a district;
 In each of which districts a judge of common pleas shall be elected
 as aforesaid.

Strike out section 18 in the printed bill, and insert,

SEC. 18. Said court shall have original jurisdiction of felonies,
 which may not be punishable with death, under the following re-
 strictions, viz:

Any person charged with a felony, who is in custody at the time, and

Any one charged with a felony, who before indictment found by a grand jury in any other court, voluntarily, either by personal appearance or in writing, submits to the jurisdiction of the court, which submission it shall not be competent for him afterwards to withdraw or cancel, shall be put upon trial in said common pleas, without the intervention of a grand jury, in the same manner as is herein provided for the trial of misdemeanors, and with the same powers as to judgment and execution as belong to the circuit court in cases of felony. Said court shall also have full power to try any criminal charge on change of venue, from the circuit court, with the like powers and incidents as belong to such circuit court; and when the party is in custody, or voluntarily submits to the jurisdiction as aforesaid, said court shall appoint an early day for trial, either in term time or in vacation.

In section 34, strike out all after the word "publication," in the second line, and insert "for filing petitions by executors, administrators or guardians; for the sale of real estate, or for filing petitions for the settlement of any estate as insolvent, or for any order of publication, notice, or citation incident thereto, the clerk, in the absence of such judge, shall, on every judicial day of the year, during business hours, keep the said court open by himself or deputy, subject, however, to the supervision and approval of the judge of common pleas at the next succeeding term after such business may have been transacted in vacation."

Add to section 35 as follows: And whenever such judge attends out of the county where he resides, he shall be allowed traveling expenses, at the rate of ten cents per mile for necessary travel, and one dollar per day for board, during all the time he may be so engaged in the vacation of his courts, to be paid by the county requiring such services; which requisition shall be made upon such judge in all cases by the auditor of the county, or the board doing county business, if in session.

And add, also, after section 35, the following section, viz:

SEC. —. Said judge shall also have the power to solemnize marriages, take acknowledgments of deeds, take and certify depositions in any cause not pending in his own court, and act as an accounting officer or master in chancery in any case referred to him, by order of the circuit court, and receive the fees allowed by law or usage for such services.

On motion by Mr. Stuart,
The bill and amendments were laid on the table.

Mr. Huffstetter, from the committee on Public Buildings, made the following report:

MR. SPEAKER:

The committee on Public Buildings, in compliance with instructions of the House, report the following amendments to bill No. 152 of the House. "A bill authorizing the State Librarian to contract for re-covering the State House with a patent roof of the Boston sheet paper. Also, for the re-painting of the outside woodwork, and the necessary re-plastering to the same."

Amendments:

Strike out "Boston sheet paper," wherever it occurs in the bill, and insert the word "tin."

The amendments of the committee were concurred in.

And the bill having been read a third time.

The question being, Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Buskirk, Carpenter, Chowning, Cockrun, Crawford, Dice, Donaldson, Doughty, Douthit, Eccles, Geddes, Goudy, Hanna, Hart, Hays of White, Henry, Hicks, Hudson, Huey, Huffstetter, Humphreys, Lavery, Lawrence, Leviston, Lewis, Lindsey of Fayette, Linsday of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McDowell, Morris, Nelson, Owen, Reynolds, Schoonover, Scudder, Shanklin, Smith Marion, Stanfield, Staton, Stover, Struble, Stuart, Sumner, Sweet, Taggart, Torbet, Watson, Wilson, and Mr. Speaker—57.

Those who voted in the negative were,

Messrs. Cromwell, Davis, Donham, Gibson, Gunn, Hay of Clark, Helmer, Hunt, McDonald, Miller, Mudgett, Ray, and Smith of Spencer—13.

So the bill passed.

On motion by Mr. Buskirk,

The title was amended so as to correspond with the body of the bill.

Ordered, that the clerk inform the Senate of the passage of the bill.

RESOLUTIONS OF THE HOUSE.

On motion by Mr. Buskirk,

Resolved, The Senate concurring, that it is the sentiment of a ma

jority of this General Assembly, that the term of the law commission be not extended beyond the term of the present session, and that this resolution be communicated to such commissioners for their information.

On motion by Mr. McDowell,

Resolved, That immediately after the reading of the Journal every morning, the names of members be called, and a list of all members absent without leave be entered on the Journal and published in the papers of the next day by the clerk.

Mr. Hay of Clark moved to re-consider the vote indefinitely postponing the resolution proposing an adjournment of the present Legislature *sine die*.

Mr. Gibson moved to lay the motion on the table.

And the question being put,

The ayes and noes were demanded by Messrs. Gibson and Hay of Clark.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Chowning, Gibson, Gunn, Hart, Hays of White, Hunt, Laverty, Leviston, Lindsey of Fayette, Major, McAllister, McDonald, Owen, Reynolds, Schoonover, Smith of Marion, Stuart, Taggart, and Mr. Speaker—22.

Those who voted in the negative were,

Messrs. Barker, Behm, Buskirk, Carpenter, Cockrum, Crawford, Cromwell, Davis, Dice, Donaldson, Donham, Doughty, Douthit, Eccles, Geddes, Goudy, Hanna, Hay of Clark, Helmer, Henry, Hicks, Hudson, Huey, Huffstetter, Lawrence, Lewis, Lindsay of Howard, Litchfield, Manson, Marrs, Mayfield, McDowell, Miller, Morris, Mudget, Nelson, Ray, Scudder, Shanklin, Smith of Spencer, Stanfield, Staton, Stover, Struble, Sumner, Sweet, Torbet, Watson, Williams, and Wilson—50.

So the motion was not laid on the table.

The question recurred on the motion to reconsider;

Which was disagreed to.

On motion by Mr. Struble,

Resolved, That the committees that have clerks employed, report to the House whether there is any necessity for retaining said clerks.

On motion by Mr. Gibson,

Resolved, That the Clerk of the House be directed to record in a book to be procured for that purpose the titles of all laws passed, and which shall be passed at the present session, and keep the same at the clerk's desk for the use of the members.

Mr. Lawrence offered the following resolution :

Resolved, That the committee on Courts be requested to introduce into this House a bill dividing the State into twenty-five judicial circuits, attaching the probate business to the same, and to allow said judges one thousand dollars a year as salary, and that said judges hold four courts a year.

Which was not agreed to.

ORDERS OF THE DAY.

House Bills on Second Reading.

No. 174. A bill in relation to the competency of witnesses;
Was read a second time.

On motion by Mr. Stuart,
The bill was referred to the committee on the Judiciary.

No. 175. A bill authorizing the circuit court of Clinton county to sit two weeks if the business require it;
Was read a second time and ordered to be engrossed.

No. 176. A bill in relation to the completion of the unfinished canals in the State of Indiana;
Was read a second time.

On motion by Mr. Reynolds,
The bill was referred to the committee on the Judiciary.
By unanimous consent of the House,
Mr. Stover offered the following resolution :

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of reporting in the laws of this State, a provision that whenever any ministerial or judicial officer of this State, or any member of the Legislature is known to be intoxicated on strong drink while in the actual discharge of his official duties,

shall be deemed guilty of a misdemeanor, and subject to impeachment and removal from office.

Which was agreed to.

Mr. Stuart moved to take from the table House bill No. 70, to establish courts of justice;

Which was agreed to.

The question being on concurring in the amendments reported by the committee on the Organization of Courts of Justice;

On motion by Mr. Stanfield,

The bill was amended by adding the counties of Marshall and Starke to the county of St. Joseph so as to form one district thereof.

The amendments of the committee were then concurred in.

Mr. Behm moved to amend the bill by adding Benton and White counties to the county of Tippecanoe.

Which was disagreed to.

Mr. Stuart called the previous question.

Which was seconded.

And the main question ordered.

The question being, Shall the bill be engrossed?

And being put,

The ayes and noes were demanded by Messrs. Gibson and Stuart.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Buskirk, Chowning, Crawford, Dice, Donaldson, Doughty, Douthit, Eccles, Hanna, Henry, Hicks, Hudson, Humphreys, Hunt, Kent, Laverty, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Manson, Mayfield, McAllister, McDowell, Miller, Morris, Mudgett, Owen, Reynolds, Shanklin, Smith of Spencer, Stanfield, Stover, Struble, Stuart, and Mr. Speaker—40.

Those who voted in the negative were,

Messrs. Barker, Behm, Bulla, Cockrum, Cromwell, Davis, Donham, Foster, Geddes, Gibson, Goudy, Gunn, Hart, Hay of Clark, Hays of White, Helmer, Huey, Huffstetter, Lawrence, Major, Marrs, Nelson, Ray, Schoonover, Scudder, Smith of Marion, Staton, Sweet, Taggart, Torbet, Watson, Williams, and Wilson—33.

So the bill was ordered to be engrossed.

Mr. Doughty moved to take up a resolution on the subject of interest.

Which was not agreed to.

By unanimous consent of the House,

Mr. Lewis offered the following resolution:

Resolved, That this House send officially for such members as are absent from their seats, for any cause other than that of sickness, who have been absent more than two days.

Which was agreed to.

On motion by Mr. Hudson,

The following message from the Senate was taken up:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following resolution:

Resolved, That the House concurring, a committee of three, one from the Senate and two from the House be appointed to visit immediately the State Prison and examine and report as soon as practicable the damages sustained by the late fire.

In which the concurrence of the House is respectfully requested.

The resolution contained in the foregoing message was concurred in.

Messrs. Hudson and Hay of Clark were appointed said committee on the part of the House.

Ordered that the clerk inform the Senate thereof.

A message from the Senate by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill thereof:

No. 59. An act authorizing the boards doing county business to declare water courses navigable.

In which the concurrence of the House is respectfully requested.

Bill No. 59, contained in the foregoing message, was read a first time and passed to a second reading.

On motion by Mr. Hudson,

A call of the House was ordered.

The clerk proceeded to the call, when the following members answered to their names, viz:

Messrs. Barker, Beach, Beane, Beeson, Behm, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Crawford, Cromwell, Davis, Dice, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Goudy, Gunn, Hanna, Hart, Hay of Clark, Hays of White,

Helmer, Henry, Hicks, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, Lavery, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McDonald, McDowell, Miller, Morris, Mudget, Nelson, Owen, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stover, Struble, Stuart, Sumner, Sweet, Taggart, Torbet, Watson, Williams, Wilson, and Mr. Speaker—76.

On motion by Mr. Donaldson,
Mr. Cowgill was excused on account of sickness.

On motion by Mr. Goudy,
Mr. Crim was excused on account of sickness.
Mr. Buskirk moved to excuse Mr. Dobson.

Which was not agreed to.
Mr. Manson moved to excuse Mr. English on the account of the sickness of his wife.

Which was not agreed to.
On motion by Mr. Stanfield,
Mr. Harrison was excused on the account of sickness.

On motion by Mr. Huey,
Mr. Holliday of Blackford was excused on the account of sickness.

Mr. Torbet moved to excuse Mr. Holman,
Which was not agreed to.
Mr. Mayfield moved to excuse Mr. King, on the ground that he would return on to-morrow.

Which motion did not prevail.
Mr. Mudget moved to excuse Mr. McConnell.
Which was not agreed to.

Mr. Hart moved to excuse Mr. Porter.
Which was not agreed to.

On motion by Mr. Stanfield,
Mr. Spencer was excused on the account of sickness.

Mr. Manson moved to excuse Mr. Stevens.
Which was not agreed to.

On motion by Mr. Stanfield,
Mr. Suit was excused on the account of sickness.

Mr. Doughty moved to excuse Mr. Sumner.
Which was not agreed to.

Mr. Scudder moved to excuse Mr. Thompson.
Which was not agreed to.

Mr. Barker moved to excuse Mr. Walker.
Which was not agreed to.

On motion by Mr. Huffstetter,
Mr. Wells was excused on the account of sickness.

On motion by Mr. Davis,
Mr. Withers was excused on the account of the sickness of his family.

On motion by Mr. Smith of Marion,
The vote by which the House refused to excuse Mr. Sumner was reconsidered.

Mr. Sumner appearing within the bar, he was excused.

Mr. McDowell offered the following resolution:

Resolved, That the Door-Keeper be directed forthwith to send for the absentees, and bring them back in custody, viz:

Messrs. Dobson, English, Gookins, Holman, King, McConnell, Porter, and Stevens.

Mr. Smith of Spencer moved to lay the resolution on the table.
Which was not agreed to.

The question then being put on the adoption of the resolution,
The ayes and noes were demanded by Messrs. McDowell and Smith of Spencer.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Chowning, Crawford, Dice, Donaldson, Donham, Doughty, Douthit, Geddes, Gibson, Hay of Clark, Henry, Hudson, Lewis, Litchfield, Mayfield, McAllister, McDonald, McDowell, Nelson, Owen, Reynolds, Schoonover, Smith of Marion, Staton, Struble, Stuart, Sweet, and Williams—31.

Those who voted in the negative were,

Messrs. Beeson, Behm, Bulla, Buskirk, Carpenter, Cockrum, Cromwell, Davis, Eccles, Foster, Goudy, Gunn, Hanna, Hart, Hays of White, Helmer, Hicks, Huey, Huffstetter, Humphreys, Hunt, Kent, Laverty, Lawrence, Leviston, Lindsey of Fayette, Linsday of Howard, Major, Manson, Marrs, Miller, Morris, Mudgett, Ray, Scudder, Shanklin, Smith of Spencer, Stanfield, Stover, Sumner, Taggart, Torbet, Watson, Wilson, and Mr. Speaker—45.

So the resolution was not adopted.

On motion by Mr. Buskirk,

The vote by which the House refused to adopt the foregoing resolution,

Was reconsidered.

The question then recurred on the adoption of the resolution.

Mr. Stover offered the following amendment to the resolution:

Resolved, That no member now absent, shall be sent for unless he absent himself until after Friday morning next.

Mr. Smith of Spencer, moved to amend the amendment by substituting Monday for Friday.

Which was accepted.

Mr. Buskirk moved to amend the amendment as follows:

Provided, That if any member is expected to return by Friday next, the Door-Keeper shall not leave the city for such absent member, but shall arrest such absentee upon his arrival in the city.

Which was agreed to.

The question then being put on the adoption of Mr. Stover's amendment,

It was decided in the affirmative.

Mr. Gibson moved to lay the whole subject on the table;

Which motion did not prevail.

The question then recurred on the adoption of the resolution;

And being put,

It was decided in the affirmative.

Mr. Carpenter moved the House adjourn.

Which motion did not prevail.

On motion by Mr. Doughty,

The vote was reconsidered by which the House refused to excuse Mr. Thompson.

When,

On motion,

Mr. Thompson was excused.

On motion by Mr. Kent,

The vote by which Mr. Walker was not excused was reconsidered.

Mr. Walker was then excused on account of sickness.

On motion by Mr. Buskirk,

The clerk was directed to inform by communication, those members of the House who have been excused on account of sickness, of the adoption of the resolution by the House requiring their attendance after an absence of two days from this time.

On motion by Mr. Gibson,

The further call of the House was suspended until after the Door-keeper make return of the process ordered by the House.

By unanimous consent of the House,

Mr. Carpenter obtained leave and introduced

No. 178. A bill to amend the third section of an act to increase and extend the benefit of common schools, approved January 17, 1849;

Which was read a first time, and passed to a second reading.

A message from the Senate by Mr. Dunn, their secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House without amendment: No. 165, entitled "An act for the repeal of an act limiting the fees of the auditor in the county of Marshall."

Mr. Stuart moved that when the House adjourns, it will adjourn to meet on to-morrow morning 9 o'clock.

Which motion prevailed.

On motion by Mr. Behm,
The House adjourned.

WEDNESDAY MORNING, }
March 3, 1852. }

The House met.

The journal of the preceding day was partly read; when,

On motion by Mr. Gibson,

The further reading of the journal was dispensed with.

When the clerk proceeded to a call of the House, and the following members answered to their names, viz:

Messrs. Barker, Beach, Beane, Beeson, Behm, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Crawford, Cromwell, Davis, Dice, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Goudy, Gunn, Hanna, Hart, Hays of White, Helmer, Henry, Hicks, Huey, Huffstetter, Humphreys, Hunt, Kent, Laverty Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Manson, Marrs, Mayfield, McAllister, McDonald, McDowell, Morris, Mudgett, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Stover, Struble, Stuart, Sumner, Sweet, Taggart, Torbet, Watson, Williams, and Mr. Speaker—65.

On motion by Mr. Marrs,
 Mr. Staton was excused on the account of sickness.
 The following members were absent without leave, viz :
 Messrs. Dobson, English, Gookins, Holman, King, McConnell,
 Miller, Stevens, and Wilson, and ordered to be published.
 The Speaker laid before the House the following communication
 from Jonathan A. Liston, one of the Law Commissioners:

HON. JOHN W. DAVIS:

Speaker of the House of Representatives :

SIR:—You will please lay the enclosed document before the body
 over which you have the honor to preside.

Very respectfully,

Your most obed't, &c.,

JONATHAN A. LISTON.

Indianapolis, March 3d, 1852.

To the General Assembly of the State of Indiana :

GENTLEMEN:—As it is impossible for the Commissioners on Law
 Reform to discharge their duties within the time limited within your
 joint resolution of yesterday, I as one of said Commissioners, feel it
 my duty to tender you my resignation.

Very respectfully,

Your most ob't, &c.,

JONATHAN A. LISTON.

Indianapolis, March 3d, 1852.

On motion by Mr. Gibson,
 The communication was laid on the table.
 The Speaker laid before the House the following communication
 from the Door-keeper:

MARCH 3d, 1852.

HON. JOHN W. DAVIS,

Speaker of the House of Representatives :

In obedience to the order of this House, I on yesterday took into
 custody Samuel Porter, a member of this House, and have him with-
 in the bar.

G. W. PATTERSON,

Door-keeper.

On motion by Mr. McDonald,
Mr. Porter was excused.

PETITIONS &C. PRESENTED.

By Mr. Huey:

The temperance memorial signed by 40 citizens of Jay county;
Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Huey:

The remonstrance of 160 men against the enactment of any temperance law;

Which,

On motion,

Was referred to the committee on Temperance.

REPORTS FROM COMMITTEES.

Mr. Geddes, from the committee on Ways and Means, made the following report:

MR. SPEAKER:

The committee on Ways and Means to whom was referred a resolution of the House, instructing said committee to amend the law regulating the granting of license to merchants, so that they should pay in proportion to the amount invested, have directed me to report that the amendment asked for has been made in the bill heretofore reported from said committee; your committee, therefore recommend that said resolution be laid upon the table.

Which report was concurred in, and the resolution laid on the table.

Mr. Torbet, from the committee on Ways and Means, made the following report:

MR. SPEAKER:

The committee on Ways and Means, to whom was referred the petition of sundry citizens of Martin county, praying for township assessors, have directed me to report that the bill reported from the said committee provides for township assessors; they therefore ask to be discharged from the further consideration of the subject.

Which was concurred in, and the committee discharged.

Mr. Linsday of Howard, from the committee on Ways and Means, made the following report:

MR. SPEAKER:

The committee on Ways and Means, to whom was referred a resolution of the House instructing them to report a bill exempting from taxation all school lands, until the final payments of the purchase money for the same, have directed me to report that such a law would be in direct violation of the 1st section of the 10th article of the Constitution; your committee, therefore, recommend that the said resolution be laid upon the table.

Which report was concurred in, and the resolution laid on the table.

Mr. Buskirk, chairman of the committee of Ways and Means, made the following report:

MR. SPEAKER:

The committee on Ways and Means, to whom was referred the petition of sundry citizens of the county of Jefferson, praying for an amendment to the assessment law permitting tax payers to deduct the amount of their indebtedness from the amount of their personal property, have had the same under consideration, and have directed me to submit the following report.

Your committee are of the opinion that the prayer of the petition is in direct conflict with the first section of the tenth article of the Constitution; your committee therefore recommend that said petition be laid upon the table.

Which report was concurred in, and the petition laid on the table.

Mr. Buskirk, chairman of the committee of Ways and Means, made the following report:

MR. SPEAKER:

The committee on Ways and Means, to whom were referred a resolution instructing them to inquire into the expediency of so amending the revenue law as to abolish the ten per cent. damages collected of delinquent tax-payers, have directed me to report that in the opinion of the said committee, it is inexpedient to legislate upon that subject. Your committee therefore ask to be discharged from the further consideration of the subject.

Which report was concurred in.

Mr. Gibson, from the Judiciary committee, made the following report:

MR. SPEAKER:

The committee on the Judiciary, to whom was referred House bill No. 12, a bill to amend the 9th section of an act entitled "An act to incorporate a company to construct a railroad from Evansville," &c., have had the same under consideration, and have directed me to report that, in their opinion, the said bill is unconstitutional, and recommend that it be indefinitely postponed.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Gibson from the committee on the Judiciary made the following report:

MR. SPEAKER:

The committee on the Judiciary, to whom was referred the petition of a portion of the citizens of the town of Portland Mills, praying the passage of an act of incorporation for said town, have had the same under consideration, and have directed me to report that, in their opinion, such an act would be unconstitutional, and ask to be discharged from the further consideration of the subject.

Which report was concurred in, and the committee discharged.

Mr. Gibson, from the Judiciary committee, made the following report:

MR. SPEAKER:

The committee on the Judiciary, who were by resolution instructed to inquire into the expediency of enacting a law making it penal for any one holding property in trust for another, to dispose of such property without accounting fully for the proceeds, have had the subject under consideration, and have directed me to report that, in their opinion, any further legislation on the subject than that contained in the criminal law reported by them is inexpedient.

Which report was concurred in.

Mr. Gibson, from the Judiciary committee, made the following report:

MR. SPEAKER :

The Judiciary committee, to whom was referred House bill No. 155, an act to provide for regulation of the running at large of stock, &c., with instructions to inquire into its constitutionality, have had the same under consideration, and have directed me to report that, in their opinion, said act does not conflict with the constitution.

On motion by Mr. McDonald,

The bill contained in the foregoing report was referred to the committee on Agriculture.

Mr. Gibson, from the Judiciary committee, made the following report :

MR. SPEAKER :

The committee on the Judiciary, in compliance with a resolution of the House, requiring all committees to report as to the necessity of clerks before the respective committees, have directed me to report that the services of a clerk are necessary for the prompt transaction of the business of the committee.

Mr. Gibson, from the Judiciary committee, made the following report :

MR. SPEAKER :

The Judiciary committee, to whom was referred bill No. 102 of the House, "An act regulating the licensing of Pilots at the Falls," &c., with instructions, have had the same under consideration, and have directed me to report the same back with the following amendments :

1st. Strike out from the 1st section the words "mayor and common council of the city of Jeffersonville," and insert "Governor."

2d. Strike out in the 4th section the words "in — county," in the 5th line.

The question being on concurring in the report of the committee; Mr. Gibson called a division of the question;

And the question being put on the first amendment,

It was decided in the negative.

The question then being put in concurring in the second amendment,

It was decided in the affirmative.

The bill having been read a third time,

The question being, Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Crawford, Cromwell, Davis, Dice, Donaldson, Donham, Doughty, Douthit, Eccles, Geddes, Gibson, Goudy, Gunn, Hanna, Hart, Hays of White, Helmer, Henry, Hicks, Huey, Huffstetter, Humphreys, Hunt, Lavery, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McDonald, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Stover, Struble, Stuart, Sumner, Sweet, Taggart, Torbet, Watson, Williams and Mr. Speaker—70.

Those who voted in the negative were,

Messrs. Behm, Foster and Kent—3.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

Mr. Stanfield, from the Judiciary committee, made the following report:

MR. SPEAKER:

The committee on the Judiciary, to which was referred bill No. 81, has had the same under consideration, and directed me to report the same back, and recommend its passage.

Bill No. 81, contained in the foregoing report,
Was ordered to be engrossed.

Mr. Beach, from the Judiciary committee, made the following report:

MR. SPEAKER:

The Judiciary committee, to whom was referred the petition of A. Showalter, et al., with "instructions to inquire whether, under any law now in force, or that has been passed by this General Assembly, the relief prayed for in the petition can be obtained," have had the subject of said petition under consideration, and have directed me to report that the law prayed for would be unconstitutional; and further, that a general law has been passed by this General Assembly, under which the relief asked for can be obtained.

Which report was concurred in.

Mr. Beach, from the committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary committee, to whom was referred the petition of the auditor of White county, have had that subject under consideration, and have directed me to report the same back to the House, and recommend that it be laid on the table.

Which was concurred in, and the petition laid on the table.

Mr. Beach, from the committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary committee to whom was referred bill No. 86, "a bill establishing some general provisions respecting corporations" have had the same under consideration and have directed me to report the same back to the House without amendment and recommend its passage.

The question being on the engrossment of the bill,

It was ordered.

Mr. Beach, from the committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary committee to whom was referred a resolution of the House "instructing them to enquire into the expediency of repealing so much of the law relating to the duties of county treasurers as requires them to report the condition of the treasury once every three months" have had that subject under consideration, and have directed me to report the same back to the House and recommend its reference to the committee of Ways and Means, and ask to be discharged from the further consideration thereof.

Which report was concurred in and the resolution referred to the committee on Ways and Means.

Mr. Beach, from the committee on the Judiciary, made the following report:

MR. SPEAKER:

The committee on the Judiciary to whom was referred a resolution of the House instructing them to enquire whether in addition to

the exemption law passed this winter, parties could claim as exempt the further sum of one hundred and twenty-five dollars, the amount exempted under the old law, the committee have had that subject under consideration and have directed me to report that no further amount than that contained in the law of this session is exempt; they ask to be discharged from the further consideration of the subject.

The committee was discharged.

Mr. Beach, from the Judiciary committee made the following report:

MR. SPEAKER:

The Judiciary committee, to whom was referred a resolution of the House—instructing them to inquire whether, in their opinion, power could be constitutionally conferred on the boards doing county business, to levy a specific tax on dogs, in their respective counties—have had that subject under consideration, and have directed me to report that, in their opinion, such a law would conflict with the first section of article four of the Constitution of the State;—your committee, therefore, recommend that the resolution be indefinitely postponed, and ask to be discharged from further consideration of the subject.

Which report was concurred in.

Mr. Stuart, from the committee on the Judiciary, made the following report:

MR. SPEAKER:

The committee on the Judiciary to whom was referred House bill No. 172—a bill concerning crimes and punishment, and proceedings in criminal cases—have had that subject under consideration, and have instructed me to report sundry amendments, and when so amended to respectfully recommend its passage:

Amendments—

Strike out the section in relation to the intermarriage of negroes and whites, (sec. 44 of the revised statutes) as the subject is already provided for in the marriage act recently passed the House.

In connection with the subject of forgery insert the following sections, viz:

Any justice of the peace, or other officer authorized to administer oaths, or take acknowledgment of deeds, who shall sign his name to any certificate of acknowledgment of any deed or mortgage before the same shall have been acknowledged, or to any affidavit before the same shall have been sworn to, or shall sign his name, as such officer, to any blank to be used as an affidavit, or certificate, or ac-

knowledge, shall be punished by imprisonment in the county jail or penitentiary, at the discretion of the jury, not less than six months nor more than two years.

SEC. 60. If any person, without proper authority, shall give to any one owing service in any State or Territory within the United States a certificate or other testimonial of emancipation, such person shall be deemed guilty of forgery, and shall be punished by confinement in the penitentiary not less than two nor more than seven years, and fined not exceeding one thousand dollars.

And also the following section in relation to seduction, which is in substance the act of 1847 on that subject, to be inserted in connection with and after the sections on rape, viz:

Any person who shall, under promise of marriage, have illicit connection with any female of good repute for chastity, under the age of twenty-one years, shall be deemed guilty of seduction, and, upon conviction, shall be imprisoned at hard labor in the State Prison for not less than one nor more than three years, and fined in any sum not exceeding five thousand dollars; but in lieu of imprisonment in the State Prison, it shall be discretionary with the jury to substitute imprisonment in the county jail not less than three nor more than twelve months; and such promise of marriage shall not be deemed established, unless the evidence of the female seduced is corroborated, in the manner and to the extent required as to the principal witness to authorize a conviction for perjury.

And at the close add the following section, viz:

SEC. —. This act shall take effect and be in force from and after the first day of January, one thousand eight hundred and fifty-three, and all crimes committed after that date shall be punished under this act, and all other laws in relation to felonies, except as to the prosecution and punishment of crimes committed prior to that date, shall thenceforth be repealed; but nothing herein contained shall be taken to bar or hinder the prosecution and punishment of state cases now pending, or the prosecution and punishment of crimes committed prior to the first day of January, 1853, at any time hereafter, under and by virtue of the existing laws of this state in relation to felonies.

Which amendments were concurred in.

Mr. Torbet moved to recommit the bill with the following instructions:

Amend so that the penalty of death shall be abolished and imprisonment for life substituted therefor.

Mr. Nelson called the previous question.

Which was not seconded by the House.

Mr. Gibson moved to lay the instructions on the table.

And the question being put;

The ayes and noes were demanded by Messrs. McDowell and Gibson.

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Buskirk, Cockrum, Cromwell, Eccles, Foster, Gibson, Goudy, Gunn, Helmer, Humphreys, Hunt, Kent, Laverty, Lawrence, Lindsey of Fayette, Lindsay of Howard, Major, Manson, Mayfield, McAllister, Miller, Mudgett, Nelson, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Stover, Stuart, and Watson—36.

Those who voted in the negative were,

Messrs. Beach, Beane, Bulla, Carpenter, Chowning, Crawford, Davis, Dice, Donaldson, Donham, Doughty, Douthit, Geddes, Hanna, Hart, Hays of White, Henry, Hicks, Huey, Leviston, Lewis, Litchfield, Marrs, McDonald, McDowell, Morris, Owen, Porter, Staton, Struble, Sumner, Sweet, Taggart, Torbet, Williams, Wilson, and Mr. Speaker—37.

So the instructions were not laid on the table.

Mr. Stanfield called the previous question.

Which was seconded, and the main question ordered.

On motion by Mr. Williams,

The vote by which the previous question was ordered, was reconsidered.

The question then recurred on seconding the call for the previous question.

Which was disagreed to.

The question then recurred on recommitting the bill with instructions,

And being put;

The ayes and noes were demanded by Messrs. Torbet and Smith of Marion.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Bulla, Carpenter, Chowning, Crawford, Davis, Dice, Donaldson, Donham, Doughty, Douthit, Geddes, Gunn, Hanna, Hart, Hays of White, Henry, Hicks, Huey, Leviston, Lewis, Litchfield, Marrs, McDowell, Morris, Owen, Porter, Staton, Struble, Sweet, Taggart, Torbet, Williams, Wilson, and Mr. Speaker—36.

Those who voted in the negative were,

Messrs. Barker, Beeson, Buskirk, Cockrum, Cromwell, Eccles, Foster, Gibson, Goudy, Helmer, Huffstetter, Humphreys, Hunt, Kent, Lavery, Lawrence, Lindsey of Fayette, Lindsay of Howard, Major, Manson, Mayfield, McAllister, McDonald, Miller, Mudgett, Nelson, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Stover, Stuart, Sumner, and Watson—38.

So the bill was not so recommitted with the instructions.

Mr. Donaldson submitted the following amendment:

So amend the bill that execution shall not take place until one year after conviction and in the mean time the prisoner to be confined in the States Prison and when executed it shall be in private.

Which was disagreed to.

Mr. Gibson called the previous question;

Which was seconded,

And the main question ordered.

The question being, shall the bill be engrossed?

And being put,

It was decided in the affirmative.

Mr. Stanfield from the Judiciary committee made the following report:

MR. SPEAKER:

The committee on the Judiciary to which was referred bill No. 131 has had the same under consideration and directed me to report the same back and recommend its passage.

Bill No. 131, contained in the foregoing report,

Was ordered to be engrossed.

Mr. Stanfield from the Judiciary committee made the following report:

MR. SPEAKER:

The committee on the Judiciary to which was referred Joint resolution No. 19, has had the same under consideration, and directed me to report that the committee are of the opinion that the resolution is unconstitutional and therefore recommend that it be laid upon the table.

The bill contained in the foregoing report was laid on the table.

Mr. Stanfield from the Judiciary committee made the following report:

MR. SPEAKER:

The committee on the Judiciary, to which was referred resolution No. 45, has had the same under consideration, and directed me to report that it is inexpedient to legislate on that subject, and therefore recommend that the resolution be laid on the table.

The resolution, No. 45, contained in the foregoing report was laid on the table.

Mr. Hunt, from the committee of Ways and Means, made the following report:

MR. SPEAKER:

The committee on Ways and Means, to whom was referred so much of the Governor's Message as relates to the assessment and equalization of taxes, have directed me to report the same back and recommend that the same be laid upon the table.

Which report was concurred in.

Mr. Nelson, from the committee on Ways and Means, made the following report:

MR. SPEAKER:

The committee on Ways and Means, to whom was referred a resolution of the House—instructing them to inquire into the expediency of abolishing the office of county assessor in the several counties in this State, and providing by law for the election or appointment of township assessors—have directed me to report that the bill heretofore reported provides for township assessors; your committee, therefore, recommend that said resolution be laid upon the table.

The resolution was laid on the table.

Mr. Lewis, from the committee of Ways and Means, made the following report:

MR. SPEAKER:

The committee on Ways and Means, to whom was referred a resolution instructing them to inquire into the expediency of so changing the assessment law as to make it the duty of the assessors also

to appraise the real estate of their respective counties, have directed me to report that it is inexpedient to legislate upon that subject; your committee, therefore, recommend that said resolution be laid upon the table.

Which report was concurred in, and the resolution laid on the table.

Mr. Hays of White, from the committee on Agriculture, made the following report:

MR. SPEAKER:

House bill No. 160, the bill that was referred to the committee on Agriculture, for taxing dogs, and paying for sheep killed by dogs, and the resolution referred with the bill, directing the committee to inquire into the constitutionality—the committee has had the same under consideration, and believe that the Constitution does not contemplate dogs as taxable, for it declares that the General Assembly shall provide by law for a uniform and equal rate of assessment and taxation, and shall prescribe such regulations as shall secure a just valuation for taxation. The committee thinks there is no just valuation for dogs. As to the expediency of such a law, they think it would be right, but taking a constitutional view of the law, they have directed me to report it as unconstitutional; therefore, the committee ask to be discharged from the further consideration of the subject, and that the bill be laid on the table.

On motion by Mr. Doughty,
The foregoing report was rejected.

Mr. Mayfield, from the committee on Manufactures and Commerce, made the following report:

MR. SPEAKER:

The committee to whom was referred chapter 27th of revised statutes of 1843, have had that matter under consideration, and directed me to report the following bill, and recommend its passage.

No. 179. A bill regulating the inspection of Flour, Salt, Beef, Pork and Tobacco;

Which was read a first time, and passed to a second reading.

Mr. Stuart, chairman of the committee on the Organization of Courts of Justice, made the following report:

MR. SPEAKER:

The committee on the Organization of Courts, to whom was re-

ferred the accompanying resolution in relation to clerks, take pleasure in respectfully informing the House that the clerk of said committee was discharged on Monday last, and prior to the adoption of the said resolution.

Mr. Wilson, from the committee on Engrossed bills, made the following report:

MR. SPEAKER:

The committee on Engrossed bills have examined bills of the House Nos. 70, 156, 170 and 175, and find them correctly engrossed.

A message from the Senate by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the resolution of the House, "that it is the sentiment of a majority of this General Assembly that the term of the law commissioners be not extended beyond the term of the present session.

On motion by Mr. Gibson,
The House adjourned.

2 o'clock, P. M.

The House met.

The Speaker laid before the House the following communication from the Door-keeper:

HON. JOHN W. DAVIS,

Speaker of the House of Representatives:

SIR:—Please lay before the House the following report:

In obedience to the order of the House, I have taken into custody Wm. H. English, member of this House, and have him within the bar.

G. W. PATTERSON,

March 3, 1852.

Door Keeper.

On motion by Mr. Behm,
Mr. English was excused without a fine.

The Speaker laid before the House the following communication from the Door-keeper:

HON. JOHN W. DAVIS,
Speaker of the House of Representatives:

SIR:—Please lay before the House the following report:
In obedience to the order of the House, I have taken into custody
John L. King, member of this House, and have him within the bar.
G. W. PATTERSON,
Door Keeper.

On motion by Mr. Kent,
Mr. King was excused without a fine.

A message from the Senate by Mr. Hester, a Senator:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill thereof:

No. 101, entitled "An act to reorganize the Board of Trustees of the Indiana University,—defining their powers and duties, and providing for the election of President and other officers, and pointing out their powers and duties."

In which the concurrence of the House is respectfully requested.

Bill No. 101, contained in the foregoing message,
Was read a first time, and ordered to a second reading.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bills thereof:

No. 93, entitled "A bill to provide for the payment of the public debt of the State, and prescribing the manner of accomplishing this object."

Also, No. 95, entitled "An act to repeal an act approved January 5th, 1850, relative to the duties of auditor and treasurer in the counties of Delaware and Randolph."

In which the concurrence of the House is respectfully requested.

Bills Nos. 93 and 95, contained in the foregoing message, were each read a first time and passed to a second reading.

A message from the Senate by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following resolution:

Resolved, The House concurring, that the General Assembly adjourn on Monday, the 8th inst., to meet again on Tuesday, the 4th day of May next, and that a committee of two on the part of the Senate, and three on the part of the House, be appointed to revise and codify the laws and report at the meeting in May. *Provided*, That no per diem shall be allowed to members (other than said committee) nor to officers of either House during said recess.

In which the concurrence of the House is respectfully requested.

Mr. Gibson moved to concur, with the following amendment:
Strike out from the resolving clause and insert:

WHEREAS, In consequence of the sickness and absence of a portion of the members of both branches of the General Assembly, and the declared determination of a number of others either to absent themselves or resign, it has become impracticable to carry out the design of a general revision of the laws at the present session of the General Assembly; and

WHEREAS, The limited term of future legislatures renders it impossible for them to prepare and pass the laws necessary for a proper revision; therefore,

Resolved, The Senate concurring, that when the present Legislature adjourns, it leave in session a joint committee of five, two from the Senate and three from the House, whose duty it shall be to prepare a thorough revision of the statute laws of the State, including simplification of the code of practice as required by the constitution, and that they report the same to the next General Assembly for their action; that said committee receive the same compensation as members of the General Assembly receive, and the Clerk of the House shall serve as clerk of said committee, and receive three dollars per day.

Resolved, That the General Assembly adjourn *sine die* on the ——— day of March, 1852.

Mr. Smith of Spencer moved to lay the amendment on the table.
And the question being put,

The ayes and noes were demanded by Messrs. Smith of Spencer and Gibson.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Behm, Buskirk, Chowning, Crawford, Cromwell, Davis, Dice, Donaldson, Donham, Doughty, Douthit, Eccles, English, Foster, Geddes, Gibson, Goudy, Gunn, Hanna, Hart, Helmer, Henry, Hicks, Huey, Huffstetter, Humphreys, Hunt, Kent, King, Laverty, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Marrs, Mayfield, McAllister, McDowell, Miller, Morris, Mudgett, Nelson, Owen, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Struble, Stuart, Sumner, Sweet, Taggart, Torbet, Walker, Watson, Wells, Williams, Wilson, and Mr. Speaker—68.

Those who voted in the negative were,

Messrs. Bulla, Manson, McDonald, Porter, Ray, and Stover—6.

So the amendment was laid on the table.

Mr. Stuart moved to concur, with the following amendment:

Strike out the 8th of March, and insert the 15th; also strike out Tuesday the 4th, and insert the 22d day of May.

Mr. Gibson moved to amend the amendment by adding the 1st day of June.

Which was not agreed to.

Mr. Buskirk proposed to amend by adding the 14th day of April as the time for meeting.

Mr. Lindsay of Howard moved to indefinitely postpone the whole subject.

And the question being put,

The ayes and noes were demanded by Messrs. Lindsay of Howard and Gibson.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Chowning, Cromwell, Donham, Douthit, English, Foster, Gibson, Gunn, Hanna, Hicks, Huffstetter, Humphreys, Hunt, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Marrs, McAllister, McDonald, Morris, Porter, Reynolds, Schoonover, Scudder, Shanklin, Stover, Struble, Stuart, Sweet, Taggart, Torbet, Walker, Watson, Wilson and Mr. Speaker—42.

Those who voted in the negative were,

Messrs. Behm, Bulla, Buskirk, Crawford, Davis, Dice, Donaldson, Doughty, Eccles, Geddes, Hart, Hays of White, Helmer, Henry, Huey, King, Kent, Lavery, Lewis, Mayfield, McDowell, Miller, Mudgett, Nelson, Owen, Ray, Smith of Marion, Smith of Spencer, Stanfield, Staton, Sumner, Wells and Williams—34.

So the resolution was indefinitely postponed.

Mr. Gibson moved to supply the place of Mr. Holladay of Parke as the committee of Conference between the two Houses.

Which was agreed to.

Mr. Stover was appointed to supply the vacancy.

Mr. Stuart, from the committee on Free Conference, made the following report:

MR. SPEAKER:

The committee of Free Conference, to whom was referred the disagreement of the two Houses of the General Assembly of the State upon the engrossed amendments of the Senate to engrossed bill of the House No. 56, entitled "An act making general provisions concerning courts of justice, and the powers and duties of judicial officers," have had the subject of such disagreement under consideration, and recommend that the House recede from their disagreement to said engrossed amendments, and concur in the same.

Which was concurred in.

Ordered that the clerk inform the Senate thereof.

RESOLUTIONS OF THE HOUSE.

Mr. Douthit submitted the following resolution:

Resolved, That from and after to-day no huckstering of any kind shall be allowed within this hall, and the Doorkeeper is hereby directed to exclude all persons coming for that purpose with any article for sale.

Which was not agreed to.

Mr. Nelson submitted the following resolution:

Resolved, That no member shall occupy the floor upon any one subject more than fifteen minutes, and shall not be permitted to speak but once upon the same subject, except by consent of the House.

And the question being put on its adoption,
The ayes and noes were demanded by Messrs. Douthit and Nelson.

Those who voted in the affirmative were,

Messrs. Bulla, Chowning, Crawford, Davis, Dice, Douthit, English, Foster, Goudy, Gunn, Hicks, Huey, Humphreys, Hunt, Lawrence, Leviston, Linsday of Howard, Litchfield, McDonald, Miller, Morris, Nelson, Reynolds, Stanfield, Staton, Struble, Stuart, Sumner, Watson, Williams, Wilson and Mr. Speaker—32.

Those who voted in the negative were,

Messrs. Barker, Beach, Beane, Behm, Buskirk, Donaldson, Donham, Eccles, Geddes, Gibson, Hanna, Hart, Hays of White, Helmer, Henry, Huffstetter, Kent, King, Laverty, Lindsey of Fayette, Major, Manson, Marrs, Mayfield, McAllister, McDowell, Mudget, Owen, Porter, Ray, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stover, Sweet, Taggart, Torbet, Walker and Wells—41.

So the resolution was not agreed to.

On motion by Mr. Huffstetter,

Resolved, That the Judiciary committee be, and they are hereby instructed to ascertain and report to this House at the earliest possible moment, what laws require revision in order to make them conform to the requirements of the new Constitution, that have not already been acted upon by the House.

Mr. Torbet submitted the following resolution :

Resolved, That the committee on the Judiciary be instructed to prepare and report to this House a bill supplementary to the bill in relation to commissioners on law reform, which bill shall provide for extending their term of office, and making it the duty of said commissioners to revise the laws of this State now in force, except those passed at this session, and to codify all the laws of the State, and report progress to the next General Assembly.

And the question being put on its adoption,

The ayes and noes were demanded by Messrs. Torbet and Gibson.

Those who voted in the affirmative were,

Messrs. Bulla, Donaldson, Huffstetter, Kent, Manson, Morris, Nelson, Scudder, Smith of Marion, and Torbet—10.

Those who voted in the negative were,

Messrs. Barker, Beach, Beane, Behm, Buskirk, Chowning, Crawford, Cromwell, Davis, Dice, Donham, Doughty, Douthit, Eccles, English, Foster, Geddes, Gibson, Goudy, Gunn, Hanna, Hart, Hays of White, Helmer, Henry, Hicks, Huey, Humphreys, King, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Marrs, Mayfield, McAllister, McDonald, McDowell, Miller, Mudget, Owen, Porter, Ray, Reynolds, Schoonover, Shanklin, Smith of Spencer, Stanfield, Staton, Stover, Struble, Stuart, Sumner, Sweet, Taggart, Walker, Watson, Wells, Williams, Wilson, and Mr. Speaker—64.

So the resolution was not agreed to.

On motion by Mr. Beach,

Resolved, That the select committee to lay off the State into judicial districts be instructed to report a bill enlarging the labor of the judges of the circuit courts of this State.

By unanimous consent of the House,

Mr. Stuart obtained leave and introduced

No. 180. A bill in relation to witnesses in civil cases.

Which was read a first time, and passed to a second reading.

By unanimous consent,

Mr. Miller obtained leave and introduced,

No. 181. A bill for the relief of purchasers and owners of certain tracts or lots of land, denominated Michigan Road Lands, in the county of Fulton.

Which was read a first time and passed to a second reading.

ORDERS OF THE DAY.

House bills on second reading.

No. 177. A bill to provide for equalizing the appraisement, for taxation, of the real property in the State of Indiana;

Was read a second time.

Mr. Hicks submitted the following amendment :

So amend that the county seat of Jennings shall be the place of meeting for the auditors of third congressional district, forming the State Equalization Board, in place of Bartholomew county seat.

Which was disagreed to.

Mr. Williams submitted the following amendment:

First district, strike out Gibson county, and insert Pike county.

On motion by Mr. Doughty,
The bill and amendment were laid on the table.

No. 178. A bill to amend the 3rd section of an act to increase and extend the benefits of Common Schools, approved January 17th, 1849.

Was read a second time.

On motion by Mr. Williams,
The bill was laid on the table.

SENATE BILLS ON SECOND READING.

No. 59. An act authorizing the Boards, doing county business to declare water courses navigable.

Was read a second time.

On motion by Mr. Huffstetter,

The bill was referred to the committee on Roads.

HOUSE BILLS ON THIRD READING.

No. 70. A bill to establish courts of Common Pleas, and defining the jurisdiction, and duties of the Judges thereof.

Was read a third time.

By unanimous consent of the House,
Mr. McDowell was permitted to amend the bill by making Wabash and Huntington counties each a district.

Mr. Stover moved to recommit the bill with the following instructions:

To so change the bill, as to organize a Probate Court, and elect a Judge of such court, in each county.

That such Judge shall do all the duties connected with such court both ministerial and Judicial.

That such court shall have the exclusive jurisdiction of all the probate business of the county and no other.

That such court be open at all times during the business hours, for the transaction of such business as may be brought before it.

That such court shall be held at the county seat.

That a docket fee of five dollars be taxed, and paid into the county Treasury, on each letter of Guardianship, testamentary, or administration, each case of partition of real estate, assignment of dower, or suit in such court, when a judgment shall be rendered, when such estate, subject matter of partition or assignment, or matter in controversy does not exceed six hundred dollars, and in such cases that exceed six hundred dollars, such docket fee shall be ten dollars, which fee shall be in full of all costs and charges on account of the services of the Judge.

That an appeal be allowed from such court to the circuit court.

That the Judge be paid an annual salary of not less than — dollars, nor more than — dollars, proportioned to the population in his county to be paid out of the county treasury in full of his services as such Judge.

Which was disagreed to.

By unanimous consent,

The bill was amended, by Mr. Behm, by placing White and Tippecanoe counties in the same district.

By unanimous consent,

The bill was amended by Mr. Sweet, by making Noble county a district.

Mr. Stuart called the previous question.

Which was seconded,

And the main question ordered.

The main question being, Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Behm, Buskirk, Chowning, Crawford, Donaldson, Donham, Doughty, Douthit, Eccles, Geddes, Gunn, Hanna, Hart, Hays of White, Henry, Hicks, Humpheys, Hunt, Kent, King, Laverty, Leviston, Lindsey of Fayette, Lindsay of Howard, Manson, Marrs, Mayfield, McAllister, McDowell, Miller, Morris, Mudget, Owen, Ray, Reynolds, Scudder, Smith of Marion, Smith of Spencer, Stanfield, Struble, Stuart, Sweet, Taggart and Watson—47.

Those who voted in the negative were,

Messrs. Barker, Bulla, Cromwell, Davis, Dice, Foster, Gibson, Goudy, Helmer, Huey, Huffstetter, Lawrence, Litchfield, Major, McDonald, Nelson, Porter, Schoonover, Shanklin, Staton, Stover, Sumner, Torbet, Watson, Wells, Williams, Wilson and Mr. Speaker—28.

So the bill did not pass.

The Speaker laid before the House the following communications:

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, March 3, 1852. }

HON. JOHN W. DAVIS,
Speaker of the House of Representatives:

SIR:—You will please to lay before the House of Representatives the enclosed communication on the subject of lost coupons, from J. A. Underwood, of New York city.

Respectfully yours, &c.,
JOSEPH A. WRIGHT.

OFFICE OF J. A. UNDERWOOD & SON,
22 Merchant's Exchange,
New York, Feb. 14, 1852.

To COL. A. MAY, *Indianapolis:*

Dear Sir—I called at your office this morning, and was informed that you had left the city. I therefore take the liberty of calling your attention and kind offices to the *lost coupons*, on eight "Internal Improvement Indiana Sterling Bonds," numbered as follows, viz: 913, 1617, 1618, 902, 2271, 2286, 2618, and 2274, which coupons, you are well aware, have never been presented.

You are also well aware that I am prepared to execute a bond to the State, which shall be perfectly satisfactory to yourself, or any of the State authorities, on the passage of a law authorizing the payment of said coupons.

Your attention to this subject will very much oblige

Very truly, your ob't. serv't.,
J. A. UNDERWOOD.

On motion by Mr. Buskirk,

The communication was referred to the committee on Ways and Means.

Mr. Lewis moved the House adjourn.

Which was not agreed to.
 By unanimous consent,
 Mr. Sumner submitted the following resolution:

Resolved, That the Governor be, and is hereby requested to return to this House, bill No. 165, "An act for the repeal of an act limiting the fees of the auditor of Marshall county."

Which was disagreed to.

No. 156. A bill to provide for the punishment of offences by imprisonment in the county jail, or by fine."

Mr. Humphreys moved to lay the bill on the table.

Which was not agreed to.

The clerk proceeded to read the bill.

Mr. McDonald moved that the House adjourn;

Which was disagreed to.

The reading was continued, when

Mr. Smith of Spencer, moved the House adjourn.

Which was disagreed to.

Some time having been spent in the reading of the bill,

Mr. Humphreys moved that the House adjourn.

Which was disagreed to.

The bill was read a third time.

Mr. Smith of Spencer moved to recommit the bill to the committee on the organization of courts of justice, with instructions.

Strike out all that part of the bill which makes it a misdemeanor to pull from the tree apples, or other fruit.

Which was disagreed to.

The question being, Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beane, Beeson, Bulla, Buskirk, Chowning, Crawford, Dice, Donaldson, Donham, Doughty, Douthit, Eccles, English, Geddes, Gibson, Goudy, Gunn, Hays of White, Huffstetter, Hunt, Kent, King, Laverty, Lawrence, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Manson, Mayfield, McAllister, McDonald, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Stover, Struble, Stuart, Sweet, Taggart, Watson, Wells, and Mr. Speaker—51.

Those who voted in the negative were,

Messrs. Cromwell, Davis, Foster, Hart, Helmer, Henry, Hicks, Huey, Humphreys, Major, Marrs, McDowell, Miller, Smith of Marion, Smith of Spencer, Staton, Sumner, Torbet, Walker, Williams, and Wilson—21.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

On motion by Mr. Lindsay of Howard,

No. 147. A bill to regulate the traffic in intoxicating liquors;

Was taken from the table, placed upon the files of the House, and made the special order for Friday next at 2 P. M.

Mr. Doughty moved the House adjourn.

Which was disagreed to.

No. 170. A bill for the regulation of weights and measures;
Was read a third time.

Mr. Buskirk moved the House adjourn.

Which was disagreed to.

The question being, Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beane, Beeson, Buskirk, Chowning, Crawford, Cromwell, Davis, Dice, Donaldson, Donham, Doughty, Douthit, Eccles, English, Foster, Geddes, Goudy, Gunn, Hays of White, Helmer, Henry, Huey, Huffstetter, Humphreys, Hunt, Kent, King, Laverty, Lawrence, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McDonald, McDowell, Miller, Morris, Mudget, Nelson, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stover, Struble, Stuart, Sweet, Taggart, Walker, Watson, Wells, Wilson, and Mr. Speaker—64.

Those who voted in the negative were,

Messrs. Gibson, Hart, Sumner, Torbet, and Williams—5.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

Mr. Hart moved the House adjourn.

Which was disagreed to.

No. 175. A bill authorising the circuit court of Clinton county to sit to weeks, if the business shall require it;

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beane, Beeson, Buskirk, Chowning, Crawford, Cromwell, Davis, Dice, Donaldson, Doughty, Douthit, Eccles, Foster, Geddes, Goudy, Gunn, Hanna, Hays of White, Helmer, Henry, Huey, Hunt, Kent, King, Lavery, Lawrence, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Marrs, Mayfield, McDonald, McDowell, Morris, Mudget, Nelson, Porter, Ray, Reynolds, Schoonover, Scudder, Smith of Spencer, Staton, Struble, Stuart, Sumner, Sweet, Taggart, Walker, Watson, and Mr. Speaker—53.

Those who voted in the negative were,

Messrs. Donham, Hart, Major, Manson, Miller, Shanklin, Smith of Marion, Stover, Torbet, Watson, Wells, and Williams—12.

So the bill did not pass, no quorum having voted.

On motion by Mr. Doughty,
The House adjourned.

THURSDAY MORNING, 9 o'clock, }
March 4, 1852.

The House met.

The journal of the preceding day was partly read.

When

On motion by Mr. Buskirk,

The further reading of the journal was dispensed with.

The clerk proceeded to a call of the House, when

Mr. King moved to suspend the call;

Which motion did not prevail.

The following members answered to their names, viz:

Messrs. Barker, Beach, Beane, Beeson, Behm, Buskirk, Carpenter, Chowning, Cockrum, Crawford, Cromwell, Davis, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, English, Foster, Geddes, Goudy, Gunn, Hanna, Hart, Hays of White, Helmer, Henry, Hicks, Huey, Huffstetter, Humphreys, Hunt, King, Lavery, Lawrence,

Leviston, Lewis, Lindsey of Fayette, Linsday of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McDonald, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stover, Struble, Stuart, Sumner, Sweet, Taggart, Torbet, Walker, Watson, Wells, Williams, Wilson, and Mr. Speaker.

On motion by Mr. Lawrence,

Mr. Bulla was excused on account of sickness.

The following members were absent without leave of the House, namely:

Messrs. Holman, Kent, McConnell, and Stevens.

The Speaker laid before the House the following communication from the Door-keeper:

Hon. J. W. DAVIS,

Speaker of the House of Representatives :

Please lay before the House the following report:

In obedience to an order of the House, I have this day taken into custody James W. Dobson, member of this House from the county of Owen, and have him within the bar.

G. W. PATTERSON,
Door-keeper H. of R.

On motion by Mr. Huffstetter,

Mr. Dobson was excused without a fine.

Mr. English moved that the clerk be instructed not to journalize any thing relative to the arrest of members;

Which was disagreed to.

PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Behm:

The memorial of the judges and attorneys of the Tippecanoe circuit court;

Which,

On motion,

Was referred to the committee on the Organization of Courts of Justice.

By Mr. Morris:

The memorial of 65 young ladies of Newcastle and vicinity, on the subject of the liquor traffic;

Which,

On motion,

Was referred to the committee on Temperance.

REPORTS FROM COMMITTEES.

Mr. Geddes, from the committee on Ways and Means, made the following report:

MR. SPEAKER:

The committee on Ways and Means, to whom was referred a resolution of the House, instructing them to report a bill for the organization of a State or district board or boards of equalization, with a view to secure equality in the assessment of real estate for taxation, have directed me to report that said committee have reported a bill providing for county, district, and State boards of equalization. Your committee therefore ask to be discharged from the further consideration of that subject.

The committee was discharged.

Mr. Lewis, from the committee on Ways and Means, made the following report:

MR. SPEAKER:

The committee on Ways and Means, to whom was referred a resolution instructing them to report a bill providing for township assessors for the assessment of personal property, have directed me to report that the assessment law reported from said committee provides for township assessors. Your committee therefore recommend that said resolution be laid upon the table.

The resolution was laid on the table, and the committee discharged.

Mr. Carpenter, from the committee on Ways and Means, made the following report:

MR. SPEAKER:

The committee on Ways and Means, to whom was referred two

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resolutions, Nos. 12 and 15, of the House, directing them to so change the revenue laws, so as to require that county treasurers shall not sell land for delinquent taxes, unless such delinquent taxpayer has no personal property, have directed me to report that, in the opinion of your committee, the provisions contained in the assessment law heretofore reported from said committee are stringent enough to protect the tax-payer. Your committee therefore ask that said resolutions be laid on the table.

The committee was discharged and the resolutions laid on the table.

Mr. Nelson, from the committee on Ways and Means, made the following report :

MR. SPEAKER:

The committee on Ways and Means, to whom was referred a resolution of the House, instructing them to inquire into the expediency of so changing the law regulating interest so as to make ten per cent. lawful on contracts, have directed me to report that, in the opinion of said committee, it is inexpedient to legislate upon that subject. Your committee therefore recommend that said resolution be laid upon the table.

The resolution was laid on the table.

Mr. Buskirk, chairman of the committee on Ways and Means, made the following report:

MR. SPEAKER:

The committee on Ways and Means, to whom was referred five resolutions, introduced by Mr. English, instructing them to provide for the assessment of railroads, plank, turnpike, and McAdamized roads, and canals, in the county where they are situated, have directed me to report that in obedience to said resolutions they have provided for the assessment of said roads and canals in the bill heretofore reported. Your committee therefore ask to be discharged from the further consideration of the subject.

Which report was concurred in.

Mr. Hunt, from the committee on Ways and Means, made the following report:

MR. SPEAKER:

The committee of Ways and Means, to whom was referred a re-

solution of the House instructing them to inquire into the expediency of providing for the re-appraisement of the real estate of this State in the year 1853, have directed me to report that it is inexpedient to legislate upon that subject, and ask to be discharged from the further consideration of that subject.

Which report was concurred in, and the committee discharged.

Mr. Huffstetter, chairman of the committee on Roads, made the following report :

MR. SPEAKER :

In accordance with a resolution of the House, requesting the committees that have had clerks employed, to report whether such clerks are still in their employ, the committee on Roads informed their clerk that they had no further use for his services immediately after the introduction of bill No. 58, of the House, and that he was at liberty to work for any other committee that might need his services.

RESOLUTIONS OF THE HOUSE.

Mr. Manson submitted the following resolution :

Resolved, That the committee on Temperance be, and they are hereby instructed to report to this House, at an early period, the number of petitions and the aggregate number of signers on said petitions.

Mr. Buskirk moved to amend the resolution by instructing the committee to report the number of males and females.

Which was agreed to.

The resolution was then adopted.

Mr. Hanna moved to reconsider the vote by which the House indefinitely postponed the resolution of the Senate relative to adjourning on the 8th of March, inst., to meet on the 4th of May.

Mr. Lindsay of Howard moved to lay the motion on the table.

And the question being put,

The ayes and noes were demanded by Messrs. Davis and Lindsay.

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Behm, Buskirk, Cromwell, Davis, Dobson, Donham, Douthit, Eccles, English, Foster, Gibson, Gunn, Hart, Hicks, Huffstetter, Humphreys, Hunt, Lawrence, Lindsey of Fayette, Lindsay of Howard, Major, Manson, Marrs, Mayfield, McDon-

ald, Morris, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Stover, Struble, Stuart, Sweet, Taggart, Torbet, Walker, Watson, Wells, Williams, Wilson and Mr. Speaker—47.

Those who voted in the negative were,

Messrs. Beach, Beane, Carpenter, Cockrum, Crawford, Dice, Donaldson, Doughty, Geddes, Goudy, Hanna, Hays of White, Helmer, Henry, Huey, Kent, King, Lavery, Leviston, Lewis, Litchfield, McAllister, McDowell, Miller, Mudget, Nelson, Owen, Smith of Spencer, Stanfield, Staton, and Sumner—31.

So the motion was laid on the table.

By unanimous consent of the House,

Mr. Buskirk, chairman of the committee of Ways and Means, made the following report:

MR. SPEAKER:

The committee of Ways and Means, whose duty it is to report a bill fixing the rate of taxation for State purposes, have instructed me to report the accompanying bill, and recommend its passage:

By reference to the report of the Auditor of State for 1851, pages 71 and 72, it will be perceived that there will be received into the treasury for the fiscal year of 1852, revenue applicable to State purposes to the amount of \$690,000 00.

This sum will be chargeable with the following amounts, namely:

Amount due the State Bank of Indiana,.....	\$105,556 80
Estimated ordinary expenditures for 1852,.....	133,500 00
January interest, 1852, and expenses,.....	100,000 00
July interest, 1852, and expenses,.....	100,000 00
Amount due Benevolent Institutions,.....	100,000 00

Total,..... \$564,056 80

Estimated balance in the treasury on the 31st day of

October, 1852,..... \$125,943 20

This surplus will be just about sufficient to defray the interest payable on the public debt on the first day of January, 1853,—leaving to be provided for, before the 31st day of October, 1853, as follows:

July interest, 1853,.....	\$160,000 00
Redemption of treasury notes, say.....	40,000 00
Ordinary expenses of 1853,.....	100,000 00
Expenses of Benevolent Institutions,.....	100,000 00

Total,..... \$400,000 00

To meet this sum, and provide for all contingencies, will require a tax of fifty cents on each poll, and a levy of twenty cents on each one hundred dollars in value of the taxable property in the State.

This estimate is made on the supposition that no material change will be made in the assessment law. For example: If this Legislature should permit tax-payers to deduct their indebtedness from the value of their property, this single change would so greatly reduce the amount of taxables as to require an increase of ten cents on each hundred dollars value of taxables, above the rate contemplated in this bill, to meet the estimated expenditures.

For the year 1849, the tax levy was thirty cents on the hundred dollars value of property, and seventy-five cents on each poll. For the year 1850, the tax levy was thirty-three and a half cents on the property, and seventy-five cents on the poll; and for 1851, the property tax levy was thirty and a half cents, and the poll tax fifty cents.

From this comparison it will be apparent that the bill now reported proposes a very material reduction in the rate of taxation, and that, if the policy contemplated by the committee in reporting it be adopted, the burden of taxation upon the greater mass of the tax-payers, heretofore borne with laudable patience, will be essentially lightened.

The committee cannot permit themselves to doubt that the Legislature will feel impelled by the strongest considerations of duty and of public policy, to continue, in all its essential particulars, a system of revenue which the experience of a single year has demonstrated to be so happily adapted to promote the fiscal prosperity of the State, and to equalize the pressure of those burdens of taxation which have heretofore fallen, in an unjust degree, upon those least able to bear them.

The House will perceive that there are no specific levies for the support of the Benevolent Institutions of the State, and that the above sums are intended to meet and include all the expenditures of the State. This change has been proposed by the committee in conformity to that principle of rigid accountability which they understand it is the intention of this Legislature to enforce in respect to all public expenditures.

No. 182. A bill to raise a revenue for State purposes for the year 1852;

Which was read a first time and passed to a second reading.

Mr. Stover, from a committee of Free Conference, made the following report:

MR. SPEAKER:

The committee of Free Conference, to whom was referred the disagreement of the two Houses upon the 4th and 5th engrossed amendments of the Senate to House bill No. 122, "An act to provide for the organization of county boards, and defining their powers and

duties," have agreed to the said engrossed amendments of the Senate, and ask the House to concur in said agreement.

Which report was concurred in.

Ordered that the clerk inform the Senate thereof.

By unanimous consent of the House,

Mr. Smith of Spencer introduced

No. 183. A bill relative to the acknowledgment and recording of deeds heretofore made and recorded ;

Which was read a first time and passed to a second reading.

Mr. Gibson, by unanimous consent of the House, obtained leave, and offered the following resolution :

Resolved, That the law commissioners be requested to report immediately to this House the sections prepared by them, in their present condition.

Which was agreed to.

On motion by Mr. McDonald,

Mr. Kent was excused for the remainder of the day, on account of indisposition.

By unanimous consent of the House,

Mr. Stuart offered the following resolution :

Resolved, That the Secretary of State be respectfully requested to return to this House bill No. 56 of the House.

Which was adopted.

By unanimous consent of the House,

Mr. Carpenter obtained leave and introduced

No. 184. A bill to authorize railroad companies to bridge navigable streams ;

Which was read a first time and passed to a second reading.

ORDERS OF THE DAY.

House Bills on Second Reading.

No. 179. A bill regulating the inspection of salt, beef, flour, pork and tobacco ;

Was read a second time.

On motion by Mr. Carpenter,
The bill was referred to the committee on Manufactures and Commerce.

A message from the Senate by Mr. Dunn their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following resolution:

Resolved, That the Senate will, the House concurring therein, on this day at 2 o'clock, P. M., go into the election of a commissioner to revise and simplify the practice and pleadings of courts of justice, in place of the Hon. Jonathan A. Liston, resigned.

In which the concurrence of the House is respectfully requested.

Mr. Gibson moved to lay the foregoing message on the table;
And the question being put;

The ayes and noes were demanded by Messrs. Gibson and McDonald.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beeson, Behm, Buskirk, Carpenter, Chowning, Cockrum, Cromwell, Dobson, English, Geddes, Gibson, Gunn, Hicks, Huffstetter, Hunt, King, Lawrence, Lindsay of Howard, Manson, Marrs, McDonald, Morris, Porter, Ray, Schoonover, Shanklin, Smith of Spencer, Struble, Sweet, Walker, Watson and Mr. Speaker—35.

Those who voted in the negative were,

Messrs. Beach, Beane, Crawford, Davis, Dice, Donaldson, Doughty, Douthit, Eccles, Foster, Goudy, Hanna, Hart, Helmer, Henry, Huey, Humphreys, Leviston, Lindsey of Fayette, Litchfield, Major, Mayfield, McAllister, McDowell, Miller, Mudgett, Nelson, Owen, Reynolds, Scudder, Smith of Marion, Stanfield, Staton, Stuart, Stover, Taggart, Torbet, Wells, Williams, and Wilson—40.

So the message was not laid on the table.

Mr. Gibson moved to concur with the following amendment:

Strike out "to-day," and insert "Monday next."

Mr. Donaldson moved to lay the amendment on the table.
And the question being put,

The ayes and noes were demanded by Messrs. Gibson and Donaldson.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Behm, Chowning, Cockrum, Crawford, Davis, Dice, Donaldson, Doughty, Douthit, Foster, Goudy, Hanna, Hart, Henry, Huey, Hunt, King, Lawrence, Leviston, Litchfield, Marrs, Mayfield, Major, McDowell, Mudgett, Nelson, Reynolds, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stover, Struble, Torbet, Watson, Williams, and Wilson—41.

Those who voted in the negative were,

Messrs. Barker, Buskirk, Carpenter, Cromwell, Dobson, Donham, Eccles, English, Geddes, Gibson, Gunn, Helmer, Hicks, Huffstetter, Humphreys, Lavery, Lewis, Lindsey of Fayette, Lindsay of Howard, Manson, McAllister, McDonald, Miller, Morris, Owen, Porter, Ray, Schoonover, Scudder, Stuart, Sumner, Sweet, Taggart, Walker, Wells and Mr. Speaker—36.

So the amendment was laid on the table.

Mr. Buskirk moved to postpone the further consideration of the resolution until Saturday next.

And the question being put,

The ayes and noes were demanded by Messrs. Stanfield and Gibson.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Buskirk, Carpenter, Chowning, Cromwell, Dobson, Donham, Douthit, Eccles, English, Foster, Gibson, Hays of White, Hicks, Huffstetter, Humphreys, Lavery, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Major, Manson, Mayfield, McAllister, McDonald, Miller, Morris, Owen, Porter, Ray, Schoonover, Scudder, Smith of Marion, Stover, Struble, Stuart, Sweet, Taggart, Torbet, Watson, Wells, and Mr. Speaker—46.

Those who voted in the negative were,

Messrs. Behm, Cockrum, Crawford, Davis, Dice, Donaldson, Doughty, Goudy, Gunn, Helmer, Henry, Huey, King, Lawrence, Litchfield, Marrs, McDowell, Mudgett, Nelson, Reynolds, Shanklin, Smith of Spencer, Stanfield, Staton, Sumner, Walker, Williams, and Wilson—28.

So the further consideration of the resolution was postponed.
A message from the Senate, by Mr. Dunn, their Secretary :

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bills of the House without amendment:

No. 158. Entitled "an act to legalize the election of directors of bridge companies, and the acts of such directors, and fixing a time for holding the election, and prescribing the term of office of such directors."

No. 105. Entitled "an act to provide for the sale of the stock owned by the State of Indiana in the Madison and Indianapolis Railroad company."

No. 39. Entitled "a bill to legalize the action of school commissioners in cases where the tax duplicates have been made out before the taking effect in their counties of the school law of 1849."

Also, that the Senate has passed the following engrossed bills of the House with the accompanying engrossed amendments of the Senate thereto:

No. 136. Entitled "an act declaratory of the law regulating marriages, and enforcing the same by proper penalties."

No. 62. Entitled "an act for the limitation of civil actions, and for the limitation of liens of judgment upon real estate."

In which the concurrence of the House is respectfully requested.

The engrossed amendments of the Senate to House bill No. 136, contained in the foregoing message, were concurred in.

Ordered, that the clerk inform the Senate thereof.

The question being on concurring in the engrossed amendments of the Senate to House bill No. 62, contained in the foregoing message:

On motion by Mr. Gibson,

The bill and amendments were referred to the Judiciary committee.

HOUSE BILLS ON SECOND READING.

No. 180. A bill in relation to witnesses in civil cases;
Was read a second time.

On motion by Mr. Stanfield,

The bill was referred to the Judiciary committee.

No. 181. A bill for the relief of purchasers or owners of certain tracts or lots of land, denominated Michigan Road lands in the county of Fulton;

Was read a second time.

On motion by Mr. Miller,
The bill was referred to the Judiciary committee.

On motion by Mr. Sumner,
The House adjourned until two o'clock, P. M.

2 o'clock, P. M.

The House met.

ORDERS OF THE DAY RESUMED.

Senate bills on second reading.

No. 101. An act to organize the Board of Trustees of the Indiana University, defining their powers and duties, and providing for the election of President and other officers, and pointing out their powers and duties.

Mr. Buskirk moved to suspend the rule and read the bill a second time by its title.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Behm, Buskirk, Carpenter, Chowning, Cockrum, Crawford, Cromwell, Dice, Dobson, Donaldson, Donham, Eccles, English, Foster, Gunn, Hanna, Hart, Henry, Huey, Huffstetter, Humphreys, King, Laverty, Lawrence, Leviston, Lewis, Lindsey of Fayette, Linsday of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, Morris, Mudgett, Nelson, Owen, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Stover, Struble, Stuart, Sweet, Taggart, Watson, Wilson, and Mr. Speaker—56.

Those who voted in the negative were,

Messrs. Davis, Geddes, Helmer, Hicks, McDowell, Miller, Porter, Smith of Spencer, Stanfield, Staton, Sumner, Torbet, Walker, Wells, and Williams—15.

So the rule was suspended and the bill read a second time by its title, and ordered to be engrossed.

The Speaker laid before the House the following communication from the Secretary of State:

SECRETARY OF STATE'S OFFICE, }
Indianapolis, March 4, 1852. }

HON. JOHN W. DAVIS:

Speaker of the House of Representatives:

SIR—In answer to a resolution of this date, I herewith return to the House, bill No. 56, as desired.

With respect,

CHARLES H. TEST,
Secretary of State.

On motion by Mr. Stuart,

Bill No. 56, referred to in the above communication, was recommended to the committee on Free Conference.

The Speaker laid before the House the following communication from the Door-keeper:

HON. JOHN W. DAVIS,

Speaker of the House of Representatives:

SIR—Please lay before the House the following report:

In obedience to the order of this House, I have taken into custody John F. Stevens, member of this House from the county of Decatur, and have him within the bar.

G. W. PATTERSON,
Door-keeper.

MARCH 4, 1852.

On motion by Mr. Stover,

Mr. Stevens was excused without a fine.

No. 93. A bill to provide for the payment of the public debt of the State, and prescribing the manner of accomplishing this object.
Was read a second time.

On motion by Mr. Buskirk,

The bill was amended by striking out that part of the bill which allows the investment of capital in the stocks of other States.

On motion by Mr. Buskirk,

The bill was referred to the committee on Ways and Means.

No. 95. A bill to repeal an act, approved January 5, 1850, relative to the duties of auditor and treasurer in the counties of Delaware and Randolph.

Was read a second time.

On motion by Mr. Wilson,
The bill was laid on the table.

HOUSE BILLS ON THIRD READING.

No. 115. A bill to exempt property from sale in certain cases.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Behm, Buskirk, Carpenter, Chowning, Cockrum, Crawford, Cromwell, Davis, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, English, Foster, Geddes, Gibson, Goudy, Gunn, Hanna, Hart, Helmer, Henry, Hicks, Huey, Huffstetter, Humphreys, King, Lavery, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McDowell, Miller, Morris, Mudgett, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Sumner, Sweet, Taggart, Torbet, Walker, Watson, Wilson, Williams, and Mr. Speaker—76.

Mr. Wells voted in the negative—I.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

No. 81. A bill to authorize trustees to receive conveyances of lands and donations for the use of Schools, Literary Societies, Meeting Houses, Churches, Masonic, Odd Fellows and Sons of Temperance Lodges, and other voluntary and Benevolent associations, and some general provisions respecting burying grounds.

Mr. Nelson moved to lay the bill on the table;

Which was not agreed to.

The bill was then read a third time.

Mr. Nelson moved to recommit the bill, with the following instructions:

That any church, congregation, or society, may declare the officers

of such church or society the regular trustees, and such officers shall have all the powers and duties of trustees, by complying with the provisions of this act.

Which was agreed to.

Mr. Stuart, chairman of the committee on the Organization of Courts of Justice, made the following report:

MR. SPEAKER:

The committee on the Organization of Courts, to whom was referred House bill No. 123, have had that subject under consideration, and herewith respectfully report the amendment required by the imperative resolution of the House.

At the same time, your committee having taken some pains to investigate the subject as to the time now occupied by the several circuit courts of this State, respectfully submit to the House that the circuit business of the State, as now constituted, cannot be done with less than fifteen circuits. This number will enable the judges to dispatch the business of their courts *without delay*, as contemplated by the Constitution. As at present organized, the trial of causes is delayed with ruinous expense to litigants. For example, in the counties of Wayne, Marion, Tippecanoe, and other counties.

Amendment:

Insert in the blank in the second section, the word "ten."

The question being put on concurring with the amendments reported by the committee,

It was decided in the negative.

Mr. Doughty moved to reconsider the vote just taken.

Which was not agreed to.

Mr. Smith of Marion, moved to amend bill No. 121, contained in the foregoing report, by filling the blank with "13;"

Pending which,

On motion by Mr. Donaldson,

The bill was laid on the table.

No. 86. A bill establishing some general provisions respecting corporations;

Was read a third time.

The question being, Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Behm, Buskirk, Chowning, Cockrum, Crawford, Cromwell, Davis, Dice, Dobson, Donham,

Doughty, Douthit, Eccles, Geddes, Gibson, Goudy, Hanna, Helmer, Henry, Huey, Huffstetter, Humphreys, Hunt, King, Laverty, Lawrence, Leviston, Lewis, Lindsey of Fayette, Linsday of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McDonald, McDowell, Morris, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Stevens, Stover, Struble, Stuart, Sumner, Sweet, Taggart, Torbet, Walker, Watson, Wells, Williams, Wilson, and Mr. Speaker—67.

Those who voted in the negative were,

Messrs. Carpenter, Donaldson, English, Foster, Gunn, Hart, Hicks, Linsday of Howard, Miller, Mudget, and Staton—11.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

No. 131. A bill granting to all incorporated companies of this State, which possess, by virtue of their corporate powers, the right to build steam boats and other vessels, the further right to construct and use marine railways, and all other fixtures, and apparatus, and machinery that may be necessary or useful in the building, repairing or launching of steam boats or other vessels;

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Behm, Carpenter, Chowning, Cromwell, Davis, Dice, Dobson, Donaldson, Donham, Doughty, Eccles, English, Foster, Geddes, Gibson, Goudy, Gunn, Hanna, Hart, Hays of White, Helmer, Henry, Hicks, Huey, Huffstetter, Humphreys, Hunt, Lawrence, Leviston, Lewis, Lindsey of Fayette, Litchfield, Major, Marrs, Mayfield, McAllister, McDonald, Miller, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Scudder, Smith of Spencer, Stanfield, Stevens, Stover, Struble, Stuart, Sumner, Sweet, Torbet, Walker, Watson, Wells, Wilson, and Mr. Speaker—64.

Those who voted in the negative were,

Messrs. Buskirk, Crawford, Douthit, Laverty, Linsday of Howard, Manson, McDowell, Schoonover, Shanklin, Smith of Marion, Taggart, and Williams—12.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

Mr. Buskirk called up No. 70, a bill to establish courts of common pleas, and defining the jurisdiction and duties of the judges thereof, which was lost on yesterday, there not being a constitutional vote therefor.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Behm, Buskirk, Carpenter, Chowning, Crawford, Dice, Dobson, Donaldson, Doughty, Douthit, Eccles, English, Geddes, Hanna, Hays of White, Henry, Hicks, Huey, Humphreys, Hunt, King, Laverty, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Manson, Marrs, Mayfield, McAllister, McDowell, Miller, Morris, Mudget, Owen, Porter, Reynolds, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Stevens, Struble, Stuart, Sweet, Taggart, Watson, and Mr. Speaker—52.

Those who voted in the negative were,

Messrs. Barker, Cockrum, Cromwell, Davis, Donham, Foster, Gibson, Goudy, Gunn, Hart, Helmer, Huffstetter, Lawrence, Major, McDonald, Nelson, Ray, Schoonover, Scudder, Staton, Stover, Sumner, Torbet, Walker, Wells, Williams, and Wilson—27.

So the bill passed.

On motion by Mr. Gibson,

The title of the bill was amended by adding in the proper place, "and providing for their compensation.

Ordered that the clerk inform the Senate of the passage of the bill.

On motion by Mr. Carpenter,

No. 178. A bill to amend the third section of an act to increase and extend the benefit of common schools, approved January 17th, 1849.

Was taken from the table,

When,

On motion,

The bill was referred to the committee on Education.

No. 172. A bill concerning crimes, and punishment, and proceedings in criminal cases ;

Was read a third time.

On motion by Mr. Stuart,
The bill was laid on the table.

Mr. Smith of Marion moved to reconsider the vote on the adoption of the resolution of this House, requiring the law commissioners to report to this House the result of their labor so far as completed.

Which was not agreed to.

A message from the Senate by Mr. Dunn, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill thereof:

No. 79. Entitled, a bill to provide for the appointment of commissioners to superintend the fencing of the Tippecanoe battle ground.

Also, engrossed joint resolution :

No. 8. Entitled, a joint resolution on the subject of the three per cent. fund.

In which the concurrence of the House is respectfully requested.

Senate bill No. 79, and joint resolution No. 8, contained in the foregoing message, were each read a first time and ordered to a second reading.

A message from the Senate by Mr. Dunn, their secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bills of the House, with the accompanying engrossed amendments of the Senate thereto :

No. 138. Entitled, a bill providing for the incorporation of bridge companies.

Also,

No. 112. Entitled, an act to authorize the formation of companies for the detection and apprehension of horse thieves and other felons, and defining their powers.

In which the concurrence of the House is respectfully requested.

The engrossed amendments of the Senate to House bills Nos. 138 and 112, contained in the foregoing message, were concurred in.

Ordered, that the clerk inform the Senate thereof.

By unanimous consent of the House,

Mr. Stuart, from a committee on Free Conference, made the following report :

Strike out the 24th section of bill No. 56;

Which was concurred in.

By unanimous consent of the House,
Mr. Porter obtained leave and introduced,

No. 185. A bill to amend the 1st section of an act entitled an act for the relief of certain persons therein named, approved February 16, 1848.

Which was read a first time and passed to a second reading.

On motion by Mr. Stuart,

House bill No. 37, relating to the organization of the supreme court, its judges, their terms, jurisdiction, powers and duties, and matters incident thereto;

Was taken from the table, and placed on the files of the House.

Mr. Nelson moved to take from the table

No. 59. A bill to provide for the incorporation of Rail Road Companies.

Which motion did not prevail, no quorum voting.

Mr. Wilson, from the committee on Engrossed bills, made the following report:

MR. SPEAKER:

The committee on Engrossed bills have examined the following House bills, Nos. 81, 86, 131, 172, 156, 170 and 175, and find them correctly engrossed.

Mr. Smith of Marion, chairman of the committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The committee on Enrolled Bills have compared the following enrolled with the engrossed bills of the House of the corresponding numbers, and find the same correctly enrolled:

No. 39. An act to legalize the action of school commissioners in cases where the tax duplicates have been made out before the taking effect in their counties of the school law of 1849.

No. 105. An act to provide for the sale of the stock owned by the State of Indiana in the Madison and Indianapolis Railroad Company.

No. 158. An act to legalize the election of directors of Bridge Companies, and the acts of such directors, and fixing a time for holding the election, and prescribing the term of office of such directors.

Whereupon, the Speaker signed the same.
Ordered that the Clerk inform the Senate thereof.

On motion by Mr. Donaldson,
The House adjourned.

FRIDAY MORNING, 9 o'clock, }
March 5, 1852. }

The House met.

The clerk proceeded to read the Journal.

Mr. Donaldson moved to dispense with the further reading of the Journal.

Which was not agreed to.

On motion by Mr. Gibson,
The further reading of the Journal was dispensed with.

The clerk proceeded to a call of the House, when the following members answered to their names:

Messrs. Barker, Beach, Beane, Beeson, Behm, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Crawford, Cromwell, Davis, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, English, Foster, Geddes, Gibson, Goudy, Gunn, Hanna, Hart, Hays of White, Helmer, Henry, Hicks, Huey, Huffstetter, Humphreys, Hunt, Kent, Lavery, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McDonald, McDowell, Miller, Morris, Mudgett, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Sumner, Sweet, Taggart, Walker, Watson, Wells, Williams, Wilson, and Mr. Speaker—79.

And the following members were absent without leave of the House, viz:

Messrs. Gookins, Holman, King, McConnell, and Torbet.

Mr. Manson moved to reconsider the vote by which the resolution

was adopted directing the clerk to record a list of the absentees every morning.

Which was disagreed to.

PETITIONS AND MEMORIALS PRESENTED.

By Mr. Williams:

The memorial of 318 ladies of Knox county, on the subject of temperance;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Nelson:

The petition of the Journeymen Printers of Indianapolis, in reference to the price allowed for public printing;

Which,

On motion,

Was referred to the committee on Printing.

By Mr. Williams:

A memorial from 381 male citizens of Knox county, on the subject of temperance;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Morris:

Two memorials from 100 ladies of New Castle, Henry county, on the subject of temperance;

Which,

On motion,

Were referred to the committee on Temperance.

REPORTS FROM COMMITTEES.

Mr. Buskirk, chairman of the committee on Ways and Means, made the following report:

MR. SPEAKER:

The committee on Ways and Means, to whom was referred a resolution of the House requesting them to report whether they have a clerk in their employment, and whether they will need the services of said clerk any longer, have directed me to submit the following report:

The committee have in their employment Stephen G. Dodge, and will be compelled to keep him for some time to come. The commit-

tee have yet to register, count, cancel and destroy about one hundred and fifty thousand dollars of scrip; to register and cancel nearly all the bonds of Indiana that have been surrendered under the Butler bill; that they have about ten days work to do in the offices of Auditor and Treasurer of State; they have to draft general and specific appropriation bills; and they have a lengthy and laborious report to prepare, besides a good many other things to do, which can not be done without a clerk, unless the members of said committee neglect their business in the House.

Mr. Gibson, from the Judiciary committee, made the following report:

MR. SPEAKER:

The Judiciary committee to whom was referred House bill No. 81, with instructions, have directed me to report the same back with the following amendment, made in compliance with said instructions:

SEC. 34. That the officers of any church, congregation, or religious society in this State, who may be chosen or elected in manner prescribed for the election of trustees by this act, or in accordance with the rules and regulations of such church, congregation or religious society, after record of their appointment or election shall have been made, as herein provided in case of trustees, shall be vested in all the rights, powers and authority herein conferred on trustees by the provisions of this act.

The amendment was concurred in, and the bill having been read a third time,

The question was put, Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Behm, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cromwell, Davis, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, English, Foster, Geddes, Gibson, Goudy, Gunn, Hanna, Hart, Hays of White, Helmer, Henry, Hicks, Huey, Huffsteter, Humphreys, Kent, King, Laverty, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McDonald, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Sumner, Sweet, Taggart, Walker, Watson, Wells, Williams, Wilson, and Mr. Speaker—79.

Mr. Crawford voted in the negative.

So the bill passed.

On motion by Mr. Nelson,
The title of the bill was amended by adding "and other church officers."

Ordered that the Clerk inform the Senate of the passage of the bill.

Mr. Lewis, chairman of the committee on Benevolent and Scientific Institutions, made the following report:

MR. SPEAKER:

The committee on Benevolent and Scientific Institutions, to whom was referred House bill No. 125—a bill to regulate and limit the expenses of the State Benevolent Institutions—have had the same under consideration, and directed me to report the same back to the House, and recommend its indefinite postponement.

On motion by Mr. Buskirk,
The bill and report were laid on the table.

RESOLUTIONS OF THE HOUSE.

Mr. Owen moved to reconsider the vote by which Mr. Hanna's motion to reconsider the vote indefinitely postponing the resolution of the Senate relative to adjourning on the 8th inst., to meet on the 4th day of May, was laid on the table.

And the question being put,

The ayes and noes were demanded by Messrs. Gibson and Owen.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Behm, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Crawford, Davis, Dice, Donaldson, Doughty, Eccles, Geddes, Goudy, Hanna, Hays of White, Helmer, Henry, Huey, Huffstetter, Kent, King, Lavery, Leviston, Lewis, Lindsey of Fayette, Litchfield, Manson, Marrs, Mayfield, McAllister, McDowell, Miller, Mudgett, Nelson, Owen, Porter, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Stuart, Sumner, Taggart, Watson, Wells, and Wilson—52.

Those who voted in the negative were,

Messrs. Beeson, Dobson, Donham, Douthit, English, Foster, Gibson, Gunn, Hart, Hicks, Humphreys, Hunt, Lawrence, Lindsay of Howard, Major, McDonald, Morris, Ray, Reynolds, Scudder, Shanklin, Struble, Sweet, Walker, Williams, and Mr. Speaker—26.

So the vote was reconsidered.

The question recurred on the motion to reconsider the vote indefinitely postponing the resolution.

And the question being put,

It was decided in the affirmative.

The question then being on concurring in the resolution of the Senate,

Mr. Mudget moved to concur in the resolution of the Senate, with the following amendment:

Strike out from the word "resolved," and insert the following:

The House concurring, that the General Assembly adjourn on Wednesday the 10th of March, to meet again on Tuesday, the 20th of April, and that a committee of two on the part of the Senate and four on the part of the House, be appointed to revise the laws, and report to the Legislature when it re-assembles in April. *Provided*, That no per diem shall be allowed to members other than said committee. *Provided*, That no officer of either House shall receive per diem during the said recess. *Provided also*, That the papers of members, except of said committee, shall not be continued during the recess.

Mr. McDonald moved to amend the amendment by striking out all that relates to the committee of four on the part of the House. Which motion did not prevail.

Mr. Kent called the previous question, which was seconded, and the main question ordered.

The main question being on concurring in the resolution of the Senate, with the amendment of Mr. Mudget,

And being put:

The ayes and noes were demanded by Messrs. Owen and Mudget.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Behm, Bulla, Buskirk, Carpenter, Chowning, Crawford, Dice, Donaldson, Doughty, Douthit, Eccles, Foster, Geddes, Goudy, Hanna, Hays of White, Helmer, Henry, Huey, Kent, King, Laverty, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Manson, Marrs, Mayfield, McAllister, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stover, Struble, Stuart, Sumner, Taggart, Torbet, Wells, and Wilson—56.

Those who voted in the negative were,

Messrs. Beeson, Cockrum, Cromwell, Davis, Dobson, Donham, English, Gibson, Gunn, Hart, Hicks, Huey, Hunt, Lawrence, Major, McDonald, Ray, Scudder, Stevens, Sweet, Walker, Watson, Williams and Mr. Speaker—24.

The question then recurred on the adoption of the resolution, as amended,

And being put,

The ayes and noes were demanded by Messrs. Williams and Smith of Spencer.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Bulla, Buskirk, Carpenter, Chowning, Crawford, Dice, Donaldson, Doughty, Eccles, Geddes, Goudy, Hanna, Hart, Hays of White, Helmer, Henry, Huey, Kent, King, Laverty, Leviston, Lewis, Lindsey of Fayette, Litchfield, Manson, Marrs, McAllister, McDowell, Miller, Mudgett, Nelson, Owen, Porter, Smith of Marion, Smith of Spencer, Stover, Stuart, Sumner, Taggart, Wells, and Wilson—44.

Those who voted in the negative were,

Messrs. Beeson, Behm, Cockrum, Cromwell, Davis, Dobson, Donham, Douthit, Eoglish, Foster, Gibson, Gunn, Hicks, Humphreys, Hunt, Lawrence, Lindsay of Howard, Major, Mayfield, McDonald, Morris, Ray, Reynolds, Schoonover, Scudder, Shanklin, Stanfield, Staton, Stevens, Struble, Sweet, Torbet, Walker, Watson, Williams, and Mr. Speaker—36.

So the resolution as amended was agreed to.

Ordered that the clerk inform the Senate thereof.

On motion by Mr. Foster,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of making it the imperative duty of justices of the peace to inquire into and cause all persons who are guilty of a violation of the criminal laws to be tried and punished, if within their jurisdiction, and if not, to be recognized to appear at the proper court; and that whenever it is practicable, the prosecuting attorney to appear before the justice and prosecute the accused, for which he shall be entitled to a docket fee of \$——, and that said committee report by bill or otherwise.

The Speaker laid before the House the following communication:

COMMISSIONER'S ROOM, }
March 4, 1852. }

HON. JOHN W. DAVIS,
Speaker of the House of Representatives:

SIR—Through you I desire to inform the honorable body over which you preside, that only one commissioner is now present. Therefore, no legal response can be made to their resolution at this time. Whenever a quorum shall be present, their resolution will be presented to them.

I am, very respectfully,
Your ob't serv't,
G. W. CARR.

On motion by Mr. McDonald,
The communication was laid on the table.
Mr. Torbet moved to suspend the call of the House, which was ordered on the 2d inst., and postponed until to-day.
Which motion did not prevail.
Mr. Gibson moved that all the absentees be excused.
And the question being put,
The ayes and noes were demanded by Messrs. Gibson and Smith of Spencer.

Those who voted in the affirmative were,

Messrs. Barker, Beane, Beeson, Bulla, Chowning, Crawford, Donaldson, Eccles, Gibson, Goudy, Henry, Huffstetter, Kent, King, Leviston, Lewis, Lindsey of Fayette, Major, Manson, McAllister, McDonald, Mudgett, Owen, Scudder, Stanfield, Staton, Stevens, Stover, Stuart, Sumner, Torbet, Watson, and Wells—33.

Those who voted in the negative were,

Messrs. Beach, Buskirk, Cockrum, Davis, Dice, Dobson, Donham, Doughty, Douthit, English, Foster, Geddes, Gunn, Hanna, Hart, Hays of White, Helmer, Hicks, Huey, Hunt, Lawrence, Litchfield, Marrs, Mayfield, McDowell, Morris, Nelson, Porter, Ray, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Struble, Sweet, Taggart, Walker, Williams, Wilson and Mr. Speaker—41.

So the absentees were not excused.

Mr. Smith of Spencer moved to reconsider the vote refusing to suspend all proceedings of the call of the House ordered on the 2d day of March.

Which was agreed to.

The question then recurred on suspending a further call of the House, as also the proceedings under the call, ordered on 2d inst.

Mr. Buskirk moved to amend the amendment by adding "that the Doorkeeper shall not go out of the city until Tuesday next."

Which was agreed to.

The question then being on suspending the call,

And being put,

It was decided in the negative.

By unanimous consent of the House,

Mr. Gibson obtained leave and introduced

No. 189. A bill to amend the first section of an act entitled "An act for the relief of certain persons therein named," approved February 16, 1848;

Which was read a first time, and passed to a second reading.

The hour having arrived, the Speaker announced that

No. 173. A bill to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and the Treasurer and Auditor of State.

Was the special order for this hour.

Mr. Buskirk moved to postpone the consideration of the special order until 11 o'clock, A. M., to-day.

Mr. Behm proposed 10 o'clock, A. M., to-morrow, for the consideration of the special order.

Mr. Beach proposed 15 minutes before 11 o'clock, A. M., to-day.

Mr. King proposed 30 minutes past 2 o'clock, P. M., to-day.

Mr. Behm's proposition was disagreed to.

The question being put on Mr. King's proposition to postpone the consideration of the special order till 2 o'clock P. M., to-day.

It was agreed to, and the special order so postponed,

Mr. King by the unanimous consent of the House obtain leave and introduced

No. 186. A bill in relation to Electric Telegraph companies, their duties and liabilities.

Which was read a first time and passed to a second reading.

Mr. Stevens in pursuance of previous notice obtained leave and introduced

No. 187. A bill to exempt the stocks of Rail Roads, Turnpike Roads, Plank Roads, canals and other public improvements from taxation until a part of the same shall be completed, and in operation.

Which was read a first time, and passed to a second reading.

On motion by Mr. Carpenter,

House bill No. 177. A bill to provide for equalizing the appraisalment for taxation, of the real property in the State of Indiana.

Was taken from the table and considered.

The question pending being on the adoption of the amendment proposed by Mr. Williams,

After some debate,

Mr. Williams withdrew his amendment.

Mr. Carpenter submitted the following amendment:

Add to the 11th section the following:

Provided, That the district boards shall not remain in session at any one time, more than six days, and the delegates forming the State board shall not remain in session at any one time more than ten days.

Further amend by striking out, where assessor or assessors occur, and insert appraiser or appraisers.

Which was agreed to.

Mr. Sumner submitted the following amendment:

Amend by striking out the word "Fulton," in the 5th section and insert the word Marshall.

Which was disagreed to.

The bill was then ordered to be engrossed.

On motion by Mr. Stuart,

House bill No. 172. A bill concerning crimes and punishment and proceedings in criminal cases,

Was taken from the table, and placed upon the files of the House.

ORDERS OF THE DAY.

House Bills on Second Reading.

No. 182. A bill to raise revenue for State purposes, for the year 1852.

On motion by Mr. Buskirk,

The House went into committee of the whole on House bill No. 182,

Mr. Mudget in the chair.

After spending some time in the consideration of the bill, the committee arose and reported progress, through Mr. Mudget their chairman, to-wit:

MR. SPEAKER:

The committee of the whole House, to which was referred the House bill No. 182, a bill to raise revenue for State purposes for the year 1852, have had the same under consideration, and report the same back without amendment, and recommend its passage.

Which report was concurred in.

Mr. Buskirk moved to suspend the rule and read the bill a third time now.

And the question being put,

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Bulla, Buskirk, Carpenter, Chowning, Crawford, Dice, Dobson, Donaldson, Donham, Douthit, Eccles, English, Foster, Geddes, Gibson, Goudy, Hanna, Hart, Helmer, Henry, Huey, Hunt, Kent, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Major, McAllister, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Reynolds, Scudder, Smith of Marion, Stevens, Stover, Struble, Stuart, Sweet, Taggart, Torbet, Watson, Williams, Wilson, and Mr. Speaker—55.

Those who voted in the negative were,

Messrs. Behm, Cockrum, Cromwell, Davis, Gunn, Hicks, Huffstetter, King, Laverty, Marrs, Mayfield, McDonald, Schoonover, Shanklin, Smith of Spencer, Stanfield, Staton, Sumner, Walker, and Wells—20.

So the rule was suspended and the bill was read a third time.
 And the bill having been engrossed,
 The question was, shall the bill pass?
 Mr. Manson moved to recommit the bill with the following instructions:

Recommit with the following instructions:
 Strike out all in relation to poll tax and raise the ad valorem equal to the deficit occasioned thereby.

Mr. Gibson called the previous question.
 Which was seconded, and the main question ordered.
 The main question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Bulla, Buskirk, Carpenter, Cockrum, Dice, Dobson, Donaldson, Donham, Douthit, Eccles, English, Foster, Geddes, Gibson, Gunn, Hanna, Hart, Helmer, Henry, Hicks, Huey, Huffstetter, Humphreys, Hunt, Kent, King, Lavery, Lawrence, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Mayfield, McAllister, McDonald, Miller, Morris, Mudgett, Nelson, Owen, Porter, Ray, Reynolds, Scudder, Shanklin, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Sweet, Taggart, Torbet, Walker, Watson, Williams, Wilson, and Mr. Speaker—65.

Those who voted in the negative were,

Messrs. Behm, Chowning, Crawford, Davis, Goudy, Manson, Marrs, McDowell, Schoonover, Smith of Marion, Sumner, and Wells—12.

So the bill passed.
 Ordered that the Clerk inform the Senate thereof.

No. 183. A bill relative to the acknowledgment and recording of deeds heretofore made and recorded;
 Was read a second time, and ordered to be engrossed.

Mr. Smith of Marion, chairman of the committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The committee on Enrolled bills have compared the following en-

rolled with the engrossed bill of the House of the corresponding number, and find the same correctly enrolled:

No. 136. An act declaratory of the laws regulating marriages, and enforcing the provisions thereof by proper penalties.

Whereupon, the Speaker signed the same.

Ordered that the Clerk inform the Senate thereof.

Mr. Laverty, from the joint committee on Enrolled bills, made the following report:

MR. SPEAKER:

The joint committee on Enrolled bills have this day presented to the Governor, for his approval, enrolled bill of the House No. 136.

Mr. Laverty, from the joint committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The joint committee on Enrolled bills have this day presented to the Governor, for his approval, enrolled bills of the House Nos. 39, 105 and 158.

A message from the Governor, by Mr. King, Executive messenger:

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives that he has approved and signed the following bills, to-wit:

No. 24. A joint resolution on the subject of a Ship Canal around the rapids of the St. Mary's River, connecting Lake Superior with the other Northern Lakes.

No. 39. An act to legalize the action of school commissioners in cases where the tax duplicates have been made out before the taking effect, in their counties, of the school law of 1849.

No. 105. An act to provide for the sale of the stock owned by the State of Indiana in the Madison and Indianapolis Rail Road Company.

No. 158. An act to legalize the election of directors of Bridge Companies, and the acts of such directors, and fixing a time for holding the election, and prescribing the term of office of such directors.

No. 136. An act declaratory of the law regulating marriages, and enforcing the provisions thereof by proper penalties.

Which bills originated in the House of Representatives.

A message from the Senate by Mr. Dunn their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the amendments of the House to the resolution of the Senate fixing the time for a temporary adjournment of the General Assembly.

No. 184. A bill to authorize Rail Road Companies to bridge navigable streams;

Was read a second time and ordered to be engrossed.

On motion by Mr. Beeson,
The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met.

By unanimous consent of the House,
Mr. Manson offered the following resolution:

Resolved, That this House will select four of its members, on Monday next, at ten o'clock, to serve as a committee, on the part of the House, for the revision of the statutes during the recess of the General Assembly, as provided by a joint resolution adopted this day.

Mr. English moved to lay the resolution on the table.

Which motion did not prevail.

Mr. Smith of Spencer submitted the following amendment to the resolution:

Strike out from the resolving clause and insert the following:

The members of the House of Representatives will at three o'clock proceed to elect four of its body as committee to proceed to the revision of the laws of the State, or so much thereof as they can till the 20th of April, when this body shall meet again.

Mr. English moved to amend the amendment by adding in the proper place, that the Speaker appoint four members.

Which was agreed to.

The question then recurred on the amendment of Mr. Smith as amended.

And being put,

It was decided in the affirmative.

The question then being put on the adoption of the resolution,

It was decided in the affirmative.

Whereupon the Speaker appointed Messrs. Gibson, Bryant, English, and Lindsay of Howard said committee.

Ordered that the Clerk inform the Senate of the appointment of said committee.

The hour having arrived, the Speaker announced the special order of the day.

House bill No. 147. A bill to regulate the traffic in intoxicating liquors, and for the prevention and remedy of the evils arising therefrom.

The question being on the engrossment of the bill,

Mr. Gunn submitted the following amendment:

In the fifth line strike out the word "freeholders," and insert the words "legal voters."

In the sixth line, after the word "township," insert "to be renewed annually."

In the ninth line, strike out the word "freeholders," and insert the words, "legal voters."

In the thirtieth line, strike out the word "freeholders," and insert the words, "legal voters."

Strike out the tenth section, and insert the following:

SEC. —. Nothing contained in this act shall be construed to prevent the sale of spirituous or intoxicating liquors for medicinal, mechanical, or sacramental purposes, by any person who shall file with the county treasurer a bond, payable to the State of Indiana, in the penal sum of one thousand dollars, with security to be approved by such treasurer, and conditioned that such sales shall be for the purposes in this section provided, and for the payment of all fines that may be assessed for violations of this act.

After the word "repealed," in the last line, add, "and this act to take effect from and after its publication."

Which was agreed to.

On motion by Mr. Gunn,

The blank was filled by inserting "\$1000," as the penalty in the bond.

Mr. Mudget moved to strike out the 2d section of the bill.

And the question being put,

The ayes and noes were demanded by Messrs. Lindsay of Howard and Douthit.

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Cromwell, Davis, Dice, Eccles, English, Henry, Huffstetter, Humphreys, McAllister, Miller, Morris, Mudget, Ray, Schoonover, Smith of Marion, and Wells—17.

Those who voted in the negative were,

Messrs. Beach, Beane, Behm, Buskirk, Carpenter, Chowning, Cockrum, Crawford, Dice, Donaldson, Doughty, Douthit, Foster, Geddes, Goudy, Gunn, Hanna, Helmer, Huey, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McDowell, Nelson, Owen, Porter, Reynolds, Scudder, Shanklin, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Sumner, Sweet, Taggart, Torbet, Walker, Watson, Williams, Wilson, Withers, and Mr. Speaker—53.

So the 2d section of the bill was not stricken out.

Mr. Sumner submitted the following amendment to the bill:

Add the following section:

SEC. —. That in all judgments under the provisions of this act, the property in the house in which the liquor is sold or given away, shall be liable to execution to satisfy such judgment, and if not enough personal property can be found, then the real property on or in which such liquor is sold, shall be liable to execution to satisfy such judgment. *Provided*, That real estate belonging to such offender shall not be subject to execution for the first offence, nor until such owner has been notified of such first offence.

Mr. Kent moved to lay the amendment on the table;

And the question being put,

The ayes and noes were demanded by Messrs. Kent and Sumner.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beeson, Behm, Buskirk, Chowning, Cockrun, Crawford, Cromwell, Dice, Dobson, Eccles, English, Foster, Geddes, Gunn, Helmer, Henry, Hicks, Huey, Huffstetter, Kent, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, McAllister, McDowell, Miller, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith Marion, Smith of Spencer, Staton,

Stevens, Stover, Struble, Stuart, Sweet, Taggart, Walker, Watson, Wells, and Wilson—50.

Those who voted in the negative were,

Messrs. Beane, Bulla, Carpenter, Donaldson, Doughty, Douthit, Goudy, Hanna, Hunt, King, Lawrence, Leviston, Lewis, Marrs, Mayfield, Morris, Mudget, Nelson, Stanfield, Sumner, Torbet, Williams, Withers, and Mr. Speaker—24.

So the amendment was laid on the table.

On motion by Mr. Kent,
The bill was amended as follows, viz:

But nothing in this act shall be so construed as to authorize the imprisonment of females.

Mr. English submitted the following amendment:

No person shall be allowed to retail spirituous or intoxicating liquors in any township in this State, if a majority of the voters of such township shall file with the county auditor a remonstrance against allowing the vending thereof.

Any person who shall retail any spirituous liquors after a majority of the voters shall have filed a remonstrance as aforesaid, shall, for every such offence, be fined not less than \$25 nor more than \$100.

On motion by Mr. Douthit,
The amendment was laid on the table.

Mr. Sumner submitted the following amendment:

Amend section four as follows:

Provided, That in all trials of cases for the violation of this section, it shall be the duty of the court before which the case is tried, to summon the minor or minors to whom it is alleged that intoxicating liquor has been sold or given, in violation of said section, who shall answer under oath or affirmation all questions propounded to him or them in relation to the guilt of the accused.

On motion by Mr. Bulla,
The amendment was laid on the table.

Mr. Helmer moved to reconsider the vote by which the House rejected the amendment of Mr. English;

Which was not agreed to.

The bill was then ordered to be engrossed.

The hour having arrived, the House proceeded to the special order of the day,

No. 173. A bill to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Auditor and Treasurer of State.

Mr. King moved to postpone the further consideration of the special order of the day until Thursday, the 22d day of April next at 10 o'clock, A. M.

And the question being put,

The ayes and noes were demanded by Messrs. English and Lewis.

Those who voted in the affirmative were,

Messrs. Beeson, Behm, Cockrum, Crawford, Cromwell, Davis, Donaldson, Doughty, Eccles, Foster, Goudy, Gunn, Henry, Huey, Humphreys, Kent, King, Lavery, Leviston, Lewis, Lindsey of Fayette, Litchfield, Marrs, Mayfield, McAllister, McDowell, Miller, Morris, Nelson, Owen, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Sweet, Taggart, Walker, Watson, Wilson, Withers, and Mr. Speaker—50.

Those who voted in the negative were,

Messrs. Barker, Beane, Bulla, Buskirk, Carpenter, Chowning, Dice, Dobson, Douthit, English, Geddes, Gibson, Hanna, Helmer, Hicks, Huffstetter, Hunt, Lawrence, Lindsay of Howard, Major, Manson, Mudget, Porter, Sumner, Torbet, Wells and Williams—28.

So the further consideration of the special order of the day was postponed until Thursday the 22d day of April next at 10 o'clock, A. M.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has recalled from the Governor engrossed bill of the Senate, No. 85, entitled "A bill regulating the time of holding courts in the 12th judicial circuit, and to regulate the time of empanneling a traverse jury in the county of Allen," and have re-

considered the vote on its passage, made an amendment thereto, and repassed the same.

In which the concurrence of the House is respectfully requested.

On motion by Mr. Nelson,

Senate bill No. 85, contained in the foregoing message, was laid on the table.

A message from the Senate by Mr. Dunn their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has appointed Messrs. Eddy and Hester the committee on revision on the part of the Senate, to act with a similar committee on the part of the House, during the temporary adjournment of the General Assembly.

ORDERS OF THE DAY RESUMED.

Senate Bills on Second reading.

No. 8. A joint resolution on the subject of the three per cent. fund;

Was read a second time, and ordered to a third reading on tomorrow.

No. 79. A bill to provide for the appointment of a commissioner to superintend the fencing of the Tippecanoe battle ground;

Was read a second time, and ordered to a third reading on tomorrow.

HOUSE BILLS ON SECOND READING.

No. 37. A bill relating to the organization of the supreme court, its judges, their jurisdiction, powers, and duties, and matters incident thereto.

The question being on the engrossment of the bill—

Mr. Stuart moved to refer the bill to the committee on the Organization of Courts of Justice;

Which was agreed to.

SENATE BILLS ON THIRD READING.

No. 101. A bill to reorganize the Board of Trustees of the Indiana University, defining their powers and duties, and providing for the election of president and other officers, and pointing out their powers and duties;

Was read a third time.

Mr. Williams moved to postpone the consideration of the bill until the last Monday in April;

Which was disagreed to.

The question being, Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beane, Beeson, Bulla, Buskirk, Carpenter, Chowning, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, English, Geddes, Gibson, Gunn, Hanna, Helmer, Henry, Hicks, Huey, Huffstetter, Humphreys, Hunt, King, Laverty, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Marrs, Mayfield, McAllister, McDonald, Miller, Morris, Nelson, Owen, Porter, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Staton, Stevens, Stover, Struble, Stuart, Sumner, Sweet, Taggart, Torbet, Watson, Wells, Wilson, and Mr. Speaker—62.

Those who voted in the negative were,

Messrs. Behm, Cockrum, Crawford, Cromwell, Foster, Goudy, Hart, McDowell, Mudget, Ray, Smith of Spencer, Walker, Williams, and Withers—14.

So the bill passed.

On motion by Mr. Owen,

By unanimous consent of the House,

The title of the bill was amended by substituting the endorsement on the back of the bill.

Ordered that the Clerk inform the Senate of the passage of the bill.

Mr. Beeson, by unanimous consent of the House, obtained leave and introduced

No. 188. A bill fixing the per diem pay of members of the Legislature;

Which was read a first time, and passed to a second reading.

On motion by Mr. Donaldson,
Leave of absence was granted Mr. Stuart until the 10th inst.

On motion by Mr. Behm,
Leave of absence was granted Mr. Hays of White, on account of
the sickness of his family, until the 10th inst.

On motion by Mr. Gibson,
The House adjourned:

SATURDAY MORNING, 9 o'clock, }
March 6, 1852. }

The House met.

The Clerk proceeded to read the Journal;

When,

On motion by Mr. Gibson,

The further reading of the Journal was dispensed with.

The Clerk proceeded to a call of the House, when the following
members answered to their names, viz:

Messrs. Barker, Beach, Beane, Beeson, Behm, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Crawford, Davis, Dice, Dobson, Donham, Doughty, Douthit, Eccles, English, Foster, Geddes, Gibson, Gookins, Goudy, Gunn, Hanna, Hart, Helmer, Henry, Hicks, Huey, Huffstetter, Humphreys, Kent, King, Laverty, Lawrence, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McDonald, McDowell, Miller, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Sumner, Sweet, Taggart, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers and Mr. Speaker.

Those who were absent without the leave of the House, were,

Messrs. Cromwell, Hunt, Holman, Leviston, and McConnell.

On motion by Mr. Hicks,

Mr. Donaldson was excused until the 10th inst.

Mr. King moved to rescind the resolution requiring the publication of the absentees, who are absent without the leave of the House.
And the question being put;

The ayes and noes were demanded by Messrs. King and Kent.

Those who voted in the affirmative were,

Messrs. Barker, Behm, Bulla, Buskirk, Carpenter, Cockrum, Cromwell, Donham, Doughty, Eccles, English, Geddes, Gookins, Goudy, Kent, King, Laverty, Lindsey of Fayette, Manson, Mayfield, McAllister, Miller, Morris, Owen, Ray, Scudder, Smith of Spencer, Stanfield, Sumner, Taggart, Torbet, Walker, Watson, and Withers—34.

Those who voted in the negative were,

Messrs. Beach, Beane, Beeson, Chowning, Crawford, Davis, Dice, Douthit, Foster, Gibson, Gunn, Hanna, Hart, Helmer, Henry, Hicks, Huey, Huffstetter, Humphreys, Hunt, Lawrence, Lewis, Lindsay of Howard, Litchfield, Major, Marrs, McDonald, McDowell, Mudgett, Nelson, Porter, Reynolds, Schoonover, Shanklin, Smith of Marion, Staton, Stevens, Stover, Struble, Sweet, Williams, Wilson, and Mr. Speaker—43.

So the resolution was not rescinded.

The Speaker laid before the House the following communication from the Door-Keeper:

HON. JOHN W. DAVIS,

Speaker of the House of Representatives:

SIR:—Please lay before the House the following report:

In obedience to the order of the House, I have taken into custody Samuel B. Gookins, of the county of Vigo, and member of this House, and have him within the bar.

G. W. PATTERSON,

March 6, 1852.

Door Keeper.

On motion by Mr. McDonald,
Mr. Gookins was excused without a fine.

PETITIONS &C. PRESENTED.

By Mr. Withers:

The memorial of John Lindsay, an alien of Franklin county, relative to conveying land.

Which,

On motion,

Was referred to the committee on the Rights and Privileges of the Inhabitants of this State.

By Mr. Smith of Marion:

The account of Hugh Slaven;

Which,

On motion,

Was referred to the committee on Ways and Means.

REPORTS FROM COMMITTEES.

Mr. Buskirk, chairman of the committee of Ways and Means, made the following report:

MR. SPEAKER:

The committee on Ways and Means, to whom was referred House bill No. 148—an act regulating the office of county auditor—have directed me to report that the committee have incorporated the provisions of said bill in the bill heretofore reported from said committee, and recommend that said bill be laid upon the table.

The bill was laid on the table.

Mr. Gibson from the Judiciary committee made the following report:

MR. SPEAKER:

The committee on the Judiciary, to whom was referred House bills Nos. 168, 154, and 180, have directed me to report, that from want of time they have not acted on the same, and report the same back and recommend that the same be referred to the joint committee on Revision.

Which report was concurred in.

Mr. Stanfield from the Judiciary committee made the following report:

MR. SPEAKER:

The committee on the Judiciary to which was referred bill No. 174—in relation to the competency of witnesses—has had the same under consideration and directed me to report the same back and recommend that it be referred to the joint committee on Revision.

Which report was concurred in.

Mr. Stanfield from the Judiciary committee made the following report:

MR. SPEAKER :

The committee on the Judiciary to which was referred bill No. 159—to so modify an act to incorporate the city of Indianapolis, as to make all officers elective by the people—has had the same under consideration, and the committee are of opinion that the bill is constitutional, and directed me to report the same back to the House, and ask that the committee be discharged from the further consideration of the subject.

The committee was discharged.

On motion by Mr. Smith of Marion,
The bill, No. 159, was ordered to a third reading now.
The bill was then read a third time.
The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Crawford, Cromwell, Davis, Dice, Dobson, Donham, Doughty, Douthit, Eccles, English, Foster, Geddes, Gibson, Gookins, Goudy, Gunn, Hanna, Hart, Helmer, Henry, Hicks, Huey, Huffstetter, Humphreys, Hunt, Kent, King, Laverty, Lawrence, Lewis, Lindsey of Fayette, Linsday of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McDonald, Miller, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Sumner, Sweet, Taggart, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—77.

No person voted in the negative.

So the bill passed.

On motion by Mr. Smith of Marion,
The title of the bill was amended by adding in the proper place
“of said city.”

Ordered that the clerk inform the Senate of the passage of the bill.

Mr. Stanfield, from the committee on the Judiciary, made the following report:

MR. SPEAKER :

The committee on the Judiciary to which was referred bill No. 162, “in relation to agents of foreign insurance companies” has had the same under consideration and directed me to report the same

back and recommend that it be referred to the joint committee on revision.

Which report was concurred in.

Mr. Stanfield, chairman of the committee on the Judiciary made the following report:

MR. SPEAKER:

The committee on the Judiciary to which was referred House bill No. 62, for the limitation of civil actions and for the limitation of liens of judgments upon real estates together with the engrossed amendments of the Senate thereto, has had the same under consideration and directed me to report the same back and recommend a concurrence to the second amendment, and that the House disagree to the remainder of the amendments.

Which report was concurred in.

At the request of Mr. Gibson, he was excused from serving on the Joint select committee on revision.

RESOLUTIONS OF THE HOUSE.

On motion by Mr. Reynolds,

Resolved, That the clerk of the House have printed 300 copies of the titles of the bills and Joint resolutions, that have passed both branches of the General Assembly during the present session, for the use of the members of this House.

Mr. Scudder offered the following preamble and resolution:

WHEREAS, by an act entitled "an act to incorporate the New Albany and Vincennes Plank road company, approved February 13th, 1851," provision was made amongst other things for the construction of a Plank road from New Albany to Vincennes in this State. *And Whereas*, on or about the 12th day of May, 1851, a company was organized under the provisions of said act of incorporation, known as the New Albany and Vincennes Plank road company.

AND WHEREAS, In pursuance of said act of incorporation, the interest of the State of Indiana in and to the New Albany and Vincennes turnpike road, has been transferred and assigned to said plank road company.

AND WHEREAS, It is represented to this General Assembly that said New Albany and Vincennes plank road company have taken pos-

session of so much of said turnpike road as lies east of Paoli, but have failed to take possession of so much thereof as lies west of Paoli: AND WHEREAS, It is further represented that said plank road company do not intend to extend said plank road further west than said town of Paoli, contrary to what was obviously contemplated by said act of incorporation, and in violation of the intention and spirit of the same. AND WHEREAS, It is further represented that said plank road company are in receipt of the tolls and profits of the completed portion of the New Albany and Vincennes turnpike road, without complying with the provisions of said act of incorporation, and without the intention of so doing. Therefore,

Resolved, That the committee on the Judiciary be instructed to inquire,

1st. As to the truth of the matters herein recited.

2d. Whether this Legislature has power to alter, amend or repeal said act of incorporation.

3d. If the power be conceded, then into the expediency of altering, amending or repealing the same as aforesaid, and to report by bill or otherwise.

The resolution was adopted.

On motion by Mr. Smith of Spencer,

Resolved, That the Judiciary committee, to whom was referred a memorial of sundry citizens of Spencer and Perry counties, on the subject of a new county, are respectfully requested to report at as early a day as possible.

Mr. Lindsay of Howard, asked to be discharged from serving on the joint select committee on Revision.

Which was not agreed to.

Mr. Mudget moved to reconsider the vote adopting the resolution on yesterday, authorizing the Speaker to appoint the joint select committee on revision.

And the question being put,

The ayes and noes were demanded by Messrs. Mudget and English.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Behm, Bulla, Buskirk, Chowning, Crawford, Davis, Dice, Dobson, Donham, Doughty, Eccles, Geddes, Gookins, Hanna, Hart, Henry, Hicks, Huey, Huffstetter, Kent, Laverty, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Mayfield, McAllister, McDonald, McDowell,

Miller, Mudget, Nelson, Owen, Porter, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Stover, Sweet, Torbet, Walker, Watson, Wells, Wilson and Withers—52.

Those who voted in the negative were,

Messrs. Beeson, Cockrum, Cromwell, Douthit, English, Gunn, Helmer, Humphreys, Hunt, King, Major, Manson, Marrs, Morris, Scudder, Stanfield, Stevens, Struble, Sumner, Williams and Mr. Speaker—21.

So the vote was reconsidered.

The question then recurred on the adoption of the following resolution:

Resolved, That the Speaker appoint four members to act with a committee of two on the part of the Senate as a committee of revision during the recess of the Legislature under a resolution of the present General Assembly.

Mr. English submitted the following amendment to the resolution:

The House will, the Senate concurring, remain in session until the completion of the work of legislation, and that the resolution heretofore adopted in relation to a recess be rescinded.

Mr. Mudget moved to lay the amendment on the table;

And the question being put,

The ayes and noes were demanded by Messrs. Mudget and English.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Behm, Bulla, Buskirk, Carpenter, Chowning, Crawford, Dice, Doughty, Eccles, Foster, Geddes, Gookins, Goudy, Hanna, Hart, Helmer, Henry, Huey, Huffstetter, Kent, Laverty, Leviston, Lewis, Lindsey of Fayette, Litchfield, Marrs, Mayfield, McAllister, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Schoonover, Shanklin, Smith of Marion, Sweet, Taggart, Torbet, Watson, Wells, Williams, and Wilson—47.

Those who voted in the negative were,

Messrs. Beeson, Cromwell, Davis, Dobson, Donham, Douthit, English, Gunn, Hicks, Humphreys, King, Lawrence, Lindsay of Howard, Major, Manson, McDonald, Morris, Ray, Reynolds, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Sumner, Walker, Withers, and Mr. Speaker—29.

So the amendment was laid on the table.

Mr. Mudget submitted the following amendment:

Strike out from the enacting clause and insert—

That this House now proceed to the election, by viva voce vote, of four members of this House, to act as members on behalf of the House on the committee on Revision.

Mr. English asked to be discharged from serving on the joint select committee on Revision;

Which was agreed to.

Mr. Davis submitted the following amendment to the amendment:

Strike out “viva voce,” and insert “by ballot.”

Which was disagreed to.

The question then being put on the adoption of Mr. Mudget's amendment;

The ayes and noes were demanded by Messrs. Mudget and McDonald.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Behm, Bulla, Buskirk, Carpenter, Chowning, Crawford, Dice, Dobson, Doughty, Eccles, Foster, Geddes, Gookins, Goudy, Hanna, Hart, Helmer, Henry, Hicks, Huey, Huffstetter, Kent, King, Laverty, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McDonald, McDowell, Miller, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stover, Struble, Sweet, Torbet, Watson, Wells, and Wilson—59.

Those who voted in the negative were,

Messrs. Beeson, Davis, Donham, Douthit, English, Gunn, Humphreys, Hunt, Morris, Stanfield, Staton, Stevens, Sumner, Walker, Williams, Withers, and Mr. Speaker—17.

So the amendment was adopted.

The question being on the adoption of the resolution, and being put, The ayes and noes were demanded by Messrs. Mudget and English.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Behm, Bulla, Buskirk, Chowning,

Crawford, Dice, Donham, Doughty, Geddes, Gookins, Goudy, Hanna, Hart, Helmer, Henry, Hicks, Huey, Huffstetter, Kent, Lavery, Lawrence, Leviston, Lewis, Lindsey of Fayette, Litchfield, Marrs, Mayfield, McAllister, McDonald, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stover, Sweet, Taggart, Torbet, Watson, Wells, and Wilson—50.

Those who voted in the negative were,

Messrs. Beeson, Cromwell, Davis, Dobson, Douthit, Eccles, English, Foster, Gunn, Humphreys, Hunt, King, Major, Manson, Morris, Stanfield, Staton, Stevens, Struble, Walker, Williams, Withers, and Mr. Speaker—23.

So the resolution was agreed to.

The Speaker laid before the House the following communication, viz:

HALL OF THE HOUSE OF REPRESENTATIVES, }
March 6, 1852. }

SIR:—You will please lay this, my resignation of the place of Speaker of the House, before the body over which you are temporarily presiding, and oblige,

Yours, respectfully,

J. W. DAVIS.

WM. H. ENGLISH, Esq.

Mr. King moved the House adjourn.

Which motion did not prevail.

On motion by Mr. Porter,

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House was called to order by the Clerk.

On motion by Mr. Owen,

Mr. English was called to the chair for the temporary organization of the House.

Mr. King moved the House now proceed to the election of Speaker,
And the question being put,
The ayes and noes were demanded by Messrs. Behm and Reynolds.

Those who voted in the affirmative were,

Messrs. Barker, Beane, Beeson, Behm, Carpenter, Chowning, Cockrum, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Doughty, Geddes, Gookins, Goudy, Gunn, Helmer, Henry, Hicks, Hunt, King, Laverty, Lawrence, Lewis, Major, Marrs, Mayfield, McConnell, McDonald, Mudget, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Struble, Sumner, Sweet, Torbet, Walker, Watson, Wells, and Withers—44.

Those who voted in the negative were,

Messrs. Crawford, Dobson, Donham, Douthit, Eccles, English, Foster, Gibson, Hanna, Hart, Huey, Huffstetter, Humphreys, Leviston, Lindsey of Fayette, Lindsay of Howard, Manson, McAllister, McDowell, Miller, Morris, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Stover, Taggart, Williams, and Wilson—30.

So the House agreed to proceed to the election of a Speaker now.
Mr. Huffstetter moved the House adjourn until Monday morning,
9 o'clock.

And the question being put,
The ayes and noes were demanded by ten members.

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Buskirk, Crawford, Dobson, Donham, Douthit, Eccles, English, Foster, Gibson, Hanna, Hart, Huey, Huffstetter, Humphreys, Kent, Laverty, Lewis, Lindsey of Fayette, Manson, McAllister, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Stover, Taggart, Torbet, Wells, Williams, and Wilson—38.

Those who voted in the negative were,

Messrs. Beane, Behm, Carpenter, Chowning, Cockrum, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Doughty, Geddes, Gookins, Goudy, Gunn, Helmer, Henry, Hicks, Hunt, King, Lawrence, Leviston, Lindsay of Howard, Major, Marrs, Mayfield, McConnell, McDonald, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Struble, Sumner, Sweet, Walker, Watson, and Withers—40.

So the House refused to adjourn.

Mr. King nominated Mr. Stanfield as a candidate for Speaker.

Mr. Smith of Marion nominated Mr. Nelson.

Mr. Henry nominated Mr. Mudget.

Mr. Smith of Spencer nominated Mr. McDonald.

Mr. Struble nominated Mr. English.

Mr. Manson moved the House adjourn.

And the question being put,

The ayes and noes were demanded by ten members.

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Buskirk, Chowning, Crawford, Dice, Dobson, Donham, Eccles, English, Foster, Gibson, Hanna, Hart, Huey, Huffstetter, Humphreys, Kent, Lavery, Leviston, Lewis, Lindsey of Fayette, Manson, McAllister, McConnell, McDowell, Morris, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Smith of Marion, Stover, Taggart, Torbet, Wells, Williams and Wilson—40.

Those who voted in the negative were,

Messrs. Beane, Behm, Carpenter, Cockrum, Cromwell, Davis of Franklin, Davis of Sullivan, Doughty, Douthit, Geddes, Gookins, Goudy, Gunn, Helmer, Henry, Hicks, Hunt, King, Lawrence, Major, Marrs, Mayfield, McDonald, Scudder, Shanklin, Smith of Spencer, Sanfield, Staton, Stevens, Struble, Sumner, Sweet, Walker, Watson and Withers—35.

So the House adjourned, to meet Monday morning, 9 o'clock.

MONDAY MORNING, 9 o'clock, }
March 8th, 1852. }

The clerk call the House to order,

And announced that the question pending at the last adjournment was the election of a Speaker.

Mr. King nominated Mr. Brady as a candidate for Speaker.

Mr. Humphreys nominated Mr. English.

Mr. Smith of Marion withdrew the name of Mr. Brady.

The House then proceeded to the election of a Speaker by a *viva voce* vote.

Those who voted for William H. English for Speaker were,

Messrs. Barker, Beane, Beeson, Buskirk, Chowning, Crawford, Davis of Sullivan, Dice, Dobson, Donham, Douthit, Eccles, Foster, Gibson, Hanna, Hart, Henry, Huey, Huffstetter, Humphreys, Kent, Laverty, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, McAllister, McConnell, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Smith of Marion, Smith of Spencer, Stover, Struble, Sumner, Sweet, Taggart, Walker, Wells, Williams, Wilson and Withers—52.

Those who voted for Henry Brady for Speaker were,

Messrs. Bulla, Carpenter, Cockrum, Cromwell, Davis of Franklin, Doughty, Gookins, Gunn, Helmer, King, McDonald, Scudder, Shanklin, Stanfield and Watson—15.

Those who voted blank were,

Messrs. English, Hicks, Hunt, Lawrence, Marrs, Mayfield and Staton—7.

Those who voted for Alexander McDonald were,

Messrs. Geddes and Stevens—2.

Whole number of votes given, 76.

Necessary to a choice, 39.

William H. English received	52 votes.
Henry Brady	15 "
Alexander McDonald	2 "
Blank	7

Wm. H. English, having received a majority of all the votes given, was by the Clerk declared duly elected Speaker of the House of Representatives, to supply the vacancy occasioned by the resignation of the Hon Jno. W. Davis.

Messrs. Owen and Lindsay of Howard were appointed a committee to conduct the Speaker to the chair.

The Speaker, having been conducted to the chair, delivered the following address:

Gentlemen—

I presume it is not expected that I will make any extended remarks upon this occasion, and certainly it is not my intention or desire so to do.

I deem it sufficient to say that I return you my sincere and grateful acknowledgments for the honor conferred in selecting me to preside over your deliberations.

I feel conscious, gentlemen, that I shall go into the chair under the most unfavorable circumstances, having, comparatively, no experience, and succeeding, as I do, an able, experienced, and distinguished statesman, who is justly considered one of the best presiding officers not only in this State, but in the Union.

To preside over a large deliberative body, is always difficult; to render entire satisfaction, is not to be expected. In my own case, I dare not hope for it. No matter how familiar a man may be with parliamentary law and the run of legislative business, he is still not prepared, on the spur of every occasion, to make that knowledge available in the decision of questions, unless he has had some actual experience in the chair. It is only by use that he can familiarize himself with the duties so as to feel *at home* in his position. To assume the chair at the beginning of the session enables the Speaker, as the business slowly and gradually advances, to glide, with some degree of ease, into the discharge of the duties incumbent upon him; but to commence, as I do, at an advanced period, when the business is in its most complicated condition, is a far more discouraging and difficult undertaking.

I should, gentlemen, utterly despair of succeeding in anything like a satisfactory manner, if it were not that I rely—confidently rely—upon receiving your advice, your aid, your forbearance, and your generous indulgence.

Allow me, before concluding, to say a word upon the subject of the business devolving upon this General Assembly. We represent, in the aggregate, a million of people, with, probably, as many great interests to protect, and conflicting opinions to reconcile, as can be found in any State of the Confederacy.

The new Constitution, as well as the wishes of our constituents, demands the enactment of a full and complete code of laws, general in their application, corresponding with and carrying out the principles of the Constitution, adapted to the spirit of the age, and the wants and expectations of the people. The limits and restrictions thrown around future Legislatures, by our organic law, make it necessary that this great work should be completed at the present session. If well done, as it should be, it is truly a Herculean task, requiring greater research and more intense application and labor than has devolved upon all the Legislatures of this State combined, for the last eight years. To a superficial observer or a prejudiced mind, it may appear otherwise; hence we have the double task of doing

the work, and of repelling the assaults of miserable time-serving demagogues who hope to make political capital by the cry that the session is being protracted to an unnecessary and ruinous length.

I trust and believe that every member of this House, without distinction of party, sincerely desires to complete the business of legislation at the earliest possible period, and in such a manner as will be most conducive to the happiness and prosperity of our common country.

To this end, let us hope that, henceforward, all personal animosities will be buried; that a spirit of concession and compromise will prevail in all our deliberations, and that each one will zealously apply himself to the completion of the great work intrusted to us by a generous constituency.

Again returning you my heart-felt acknowledgments, for this mark of your confidence and favor, I conclude by assuring you that I will use my utmost exertions to conduct the business of the chair in such a manner as will meet your approbation.

The Clerk proceeded to read the Journal of Saturday; when Mr. Manson moved to dispense with the reading.

Which was disagreed to.

On motion by Mr. Owen,

The Clerk was ordered to strike from the Journal of Saturday all the proceedings in relation to an appeal from the decision of the chair.

The clerk proceeded to a call of the House.

Mr. King moved to dispense with the further call;

Which motion did not prevail.

The following members answered to their names, viz:

Messrs. Barker, Beane, Beeson, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Crawford, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Gunn, Hanna, Hart, Helmer, Henry, Hicks, Huey, Huffstetter, Humphreys, Hunt, Kent, King, Lavery, Lawrence, Leviston, Lewis, Lindsey of Fayette, Linsday of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Sumner, Sweet, Taggart, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers and Mr. Speaker—78.

The following members were absent without leave of the House, viz:

Messrs. Holman and Behm.

By unanimous consent of the House,
Mr. Dobson offered the following resolution :

Resolved, The Senate concurring, that one member be added to the joint committee on revision from this House.

Mr. King submitted the following amendment to the resolution :

WHEREAS, In the opinion of this House, the Select Joint Committee of revision, to remain during the recess of the Legislature, ought to be convenient in numbers and economical in cost; *and whereas*, the number of six provided for by the adjourning resolution as such select joint committee, is too large for convenience to itself, and unnecessarily expensive to the State; Therefore, be it

Resolved, (if the Senate concur,) That the said Select Joint Committee be reduced so as to consist of but three members,—two from the House and one from the Senate.

Mr. Kent moved to lay the amendment on the table.

And the question being put,

The ayes and noes were demanded by Messrs. Kent and King.

Those who voted in the affirmative were,

Messrs. Barker, Beane, Buskirk, Chowning, Crawford, Davis of Sullivan, Dice, Dobson, Donham, Douthit, Eccles, Foster, Gibson, Hanna, Hart, Helmer, Henry, Huey, Huffstetter, Humphreys, Hunt, Kent, Laverty, Leviston, Lewis, Lindsey of Fayette, Litchfield, Manson, McAllister, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Reynolds, Smith of Marion, Stover, Struble, Sweet, Taggart, Torbet, Wells, Wilson, Withers, and Mr. Speaker—47.

Those who voted in the negative were,

Messrs. Beeson, Bulla, Carpenter, Cockrum, Cromwell, Davis of Franklin, Doughty, Geddes, Gookins, Gunn, Hicks, King, Lawrence, Lindsay of Howard, Major, Marrs, Mayfield, McDonald, Ray, Schoonover, Scudder, Shanklin, Smith of Spencer, Stanfield, Staton, Stevens, Sumner, Walker, Watson, and Williams—30.

So the amendment was laid on the table.

Mr. Hicks submitted the following amendment:

Amend so as to leave three from the House.

Mr. Williams moved to lay the resolution and amendment on the table.

And the question being put,

The ayes and noes were demanded by Messrs. Owen and Williams.

Those who voted in the affirmative were,

Messrs. Barker, Beane, Buskirk, Chowning, Crawford, Davis of Sullivan, Dice, Donham, Douthit, Foster, Geddes, Gookins, Hanna, Hart, Helmer, Henry, Huey, Huffstetter, Humphreys, Kent, Lavery, Lawrence, Leviston, Lewis, Lindsey of Fayette, Litchfield, Major, Manson, Marrs, McAllister, McDonald, McDowell, Porter, Ray, Reynolds, Schoonover, Scudder, Stanfield, Stevens, Struble, Taggart, Torbet, Wells, Williams, Wilson, Withers, and Mr. Speaker—47.

Those who voted in the negative were,

Messrs. Beeson, Bulla, Carpenter, Cockrum, Cromwell, Davis of Franklin, Dobson, Doughty, Eccles, Gibson, Gunn, Hicks, Hunt, King, Lindsay of Howard, Mayfield, McConnell, Miller, Mudgett, Nelson, Owen, Shanklin, Smith of Marion, Staton, Stover, Sumner, Sweet, Walker, and Watson—29.

So the resolution and amendment were laid on the table.

By unanimous consent of the House,

Mr. Humphreys offered the following resolution:

Resolved, That the Clerk be directed to inform the Senate that the House has elected Hon. Wm. H. English, Speaker, in place of Hon. John W. Davis, resigned.

Which was agreed to.

The Speaker laid before the House the following communication from his Excellency, the Governor:

MR. SPEAKER:

You will please lay the enclosed message before the House of Representatives.

Respectfully yours, &c.,

JOSEPH A. WRIGHT.

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, March 6th, 1852. }

Gentlemen of the House of Representatives:

In the present condition of the State Prison, arising from the

great loss of buildings and property by fire, it is necessary that some action should be taken immediately by the Legislature on the subject.

I recommend that you authorize the rebuilding of the work-shop and other buildings, under the charge of a proper superintendent appointed by some of the officers of State.

Whatever action is taken on this subject should be prompt, that the lessee may commence the work with the opening of Spring. In its present condition, it is impossible that the lessee can proceed with his ordinary work without the additional shops and buildings.

Respectfully yours, &c.,

JOSEPH A. WRIGHT.

On motion by Mr. Gibson,

The communication was laid on the table.

By unanimous consent of the House,

Mr. Gibson obtained leave and introduced

No. 190. A bill providing for the erection of buildings appertaining to the State Prison.

Which was read a first time.

Mr. Gibson moved to suspend the rule, and read the bill a second time now;

And the question being put,

Those who voted in the affirmative were,

Messrs. Barker, Beane, Beeson, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Crawford, Cromwell, Davis of Sullivan, Dice, Dobson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Gunn, Hanna, Hart, Helmer, Henry, Hicks, Huey, Huffstetter, Humphreys, Hunt, Kent, King, Laverty, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McConnell, McDonald, McDowell, Morris, Mudgett, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Sumner, Sweet, Taggart, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—75.

Those who voted in the negative were,

Messrs. Davis of Franklin, Lawrence, and Miller—3.

So the rule was suspended, and the bill read a second time.

Mr. Gibson moved to suspend the rule, and read the bill a third time now;

And the question being put,

Those who voted in the affirmative were,

Messrs. Barker, Beane, Beeson, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Crawford, Davis of Sullivan, Dice, Dobson, Donham, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Gunn, Hanna, Helmer, Henry, Hicks, Huey, Humphreys, Hunt, Kent, King, Laverty, Leviston, Lewis, Lindsey of Fayette, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Sumner, Sweet, Taggart, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers and Mr. Speaker—71.

Those who voted in the negative were,

Messrs. Davis of Franklin and Lawrence—2.

So the rule was suspended, and the bill being engrossed was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beane, Beeson, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Crawford, Cromwell, Davis of Sullivan, Dice, Dobson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Gunn, Hanna, Hart, Helmer, Henry, Hicks, Huey, Huffstetter, Humphreys, Hunt, Kent, King, Laverty, Leviston, Lewis, Lindsey of Fayette, Linsday of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Sumner, Sweet, Taggart, Torbet, Walker, Wells, Williams, Wilson, Withers, and Mr. Speaker—75.

Those who voted in the negative were,

Messrs. Davis of Franklin and Lawrence—2.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

On motion by Mr. Linsday of Howard,

Mr. Beach was excused until the 10th inst., on account of the sickness of his family.

On motion by Mr. Nelson,

Mr. Goudy was excused until the 10th, on the account of the sickness of his family.

On motion,

The Clerk was ordered to correct the Journal by placing the name of Mr. Kent in the negative on the proposition to revise the laws by the present General Assembly.

By unanimous consent of the House,

Mr. Manson submitted the following resolution:

Resolved, That the thanks of this House be tendered to the Hon. John W. Davis, late Speaker, for the prompt, able and impartial manner in which he has discharged the duties of his station, and that any difference between the House and that officer, has been one of opinion, and not from any disrespect intended on the part of the House.

Which was unanimously adopted.

The Speaker laid before the House the following report and communication from the Auditor of State, viz:

OFFICE OF AUDITOR OF STATE, }
INDIANAPOLIS, March 6, 1852. }

Hon. J. W. DAVIS,

Speaker of the House of Representatives :

SIR:—In answer to the following resolution of the House, to-wit:

On motion of Mr. Buskirk,

Resolved, That the Auditor of State be requested to communicate to this House, at his earliest convenience, the following information, namely:

First. How much the printing of the general and local laws, respectively, of the last session of the General Assembly, in the several newspapers of this city, has cost the State of Indiana?

Second. How much did the Secretary of State receive for sending certified copies of the general and local laws of last session?

Third. How much did the enrollment of the general and local laws of the last session cost?

Fourth. What is the value of the stationery used by the judges and officers of the supreme court within the last fiscal year?

Fifth. What services the Auditor of State performs, connected with his official duties, for which he receives compensation other than his annual salary,—the amount of the various perquisites he may receive, together with references to the laws authorizing such compensation?

The following report is respectfully submitted:

First. The printing of the general and local laws for the last session of the General Assembly, cost the State of Indiana as follows:

In the Indiana State Journal,.....	\$67 50
In the Indiana State Sentinel,	182 50
In the Indiana Statesman,	160 70

Total,	<u>\$410 70</u>
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Second. There is no information in my office from which the second inquiry can be answered. The Secretary receives no compensation from the State for such services.

Third. The amount paid the Secretary of State for the enrollment of the laws of the last session, was \$560 00.

Fourth. The fuel and stationery audited for the supreme court and its officers, during the last fiscal year, amounted to the sum of \$250 74.

Fifth. The Auditor of State receives no perquisites whatever, except for endorsing and registering the final certificates for the sale of the Wabash and Erie Canal lands made by the State, amounting, at this time, to not more than five dollars per annum.

Under a joint resolution, approved February 24, 1840, the Auditor and Treasurer of State have uniformly been allowed for the registering of cancelled scrip, such sum as was deemed just and reasonable. See acts of 1840, page 84.

Under the act of 1851, page 115, the Auditor is allowed for his care of the Trust funds, the same compensation allowed to county auditors, for similar services.

The Board of Trustees of the Wabash and Erie Canal, under the act of 1847, and the Agent of State, under act of 1848, page 9, make such allowances to the Auditor of State as they deem just and proper for the necessary clerk hire and labor required of him in connection with the several agencies.

All of which is respectfully submitted.

E. W. H. ELLIS,

Auditor of State.

On motion by Mr. Buskirk,

The report was referred to the committee on Fees and Salaries.

The Speaker laid before the House the following communication from the Door-keeper:

HALL OF HOUSE OF REPRESENTATIVES, }
 March 6, 1852. }

To the Honorable the House of Representatives :

In compliance with a resolution of this House, I have taken Geo. W. McConnell, a member of this body, and have him now within the bar.

Respectfully submitted,

G. W. PATTERSON,

Door Keeper H. R.

On motion by Mr. King,

Mr. McConnell was excused without a fine.

By unanimous consent of the House,

Mr. Dobson obtained leave and introduced

No. 191. A bill to amend the third section of an act entitled "An act to incorporate the White River Navigation Company," approved February 13, 1851, and to extend the rights and privileges of said company;

Which was read a first time, and passed to a second reading.

On motion by Mr. Smith of Spencer,

No. 22. A bill authorizing clerks of the circuit court to take acknowledgments of deeds in certain cases,

Was taken from the table and referred to the select committee on Revision.

On motion by Mr. Williams,

The order of business was suspended, and the following message from the Senate taken up and considered.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following resolution:

Resolved, That the Senate will, the House concurring therein, on this day at 2 o'clock, P. M., go into the election of a commissioner to revise and simplify the practice and pleadings of courts of justice in place of the Hon. Jonathan A. Liston, resigned.

In which the concurrence of the House is respectfully requested.

Mr. Manson moved to amend the resolution contained in the foregoing message as follows:

Strike out "this day," and insert "Monday, 8th inst., at 2 o'clock, P. M."

Which was agreed to.

The resolution was then adopted.

Ordered that the clerk inform the Senate thereof.

On motion by Mr. Buskirk,

The following message from the Senate was taken up and considered.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following resolution:

Resolved, The House concurring, that the General Assembly of the State of Indiana proceed to the election of eleven trustees to constitute a board for the Indiana University, to-day, March 6, at 3 o'clock, P. M.

In which the concurrence of the House is respectfully requested.

On motion by Mr. Buskirk,

The resolution contained in the foregoing message was amended by striking out "March 6, at 3 o'clock, P. M.," and insert "the 8th inst., half past 2 o'clock, P. M."

The resolution, as amended, was then agreed to.

Ordered, That the clerk inform the Senate thereof.

Mr. King moved to take up

No. 149. A bill to prefix to volumes of Legislative enactments hereafter published the names and residence of the Governor, Lieutenant Governor, senators, members, &c.

Which was not agreed to.

REPORTS FROM COMMITTEES.

Mr. Buskirk, chairman of the committee of Ways and Means, made the following report:

MR. SPEAKER:

The committee on Ways and Means, to whom was referred Senate bill No. 93, entitled "A bill to provide for the payment of the public debt of the State, and prescribing the manner of accomplishing this object," have directed me to report the same back and recommend that it be referred to the joint committee on Revision.

Which report was concurred in.

A message from the Senate, by Mr. Dunn, their Secretary :

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the amendments of the House to the resolution of the Senate going into the election of Law Commissioner this afternoon at 2 o'clock, and also for the election of eleven trustees of the Indiana University at 2½ o'clock.

Mr. Wells, from the committee on Agriculture, made the following report :

MR. SPEAKER:

The committee on Agriculture, to whom was referred a bill to provide for the regulation of the running at large of all kinds of animals within the different townships of the different counties of the State, and to provide for the taking up, impounding and selling of all such animals as shall not be allowed by law to run at large, have had the same under consideration, and directed me to report the same back with the following amendments, and recommend its passage.

Strike out of the 6th section, the 9th line, from the word "the." Also, strike out the proviso from the same section.

Strike out of the 12th and 13th lines of the 7th section the words "sum of three dollars for his services rendered in," and insert the following: "expenses of."

Also, strike out of the same section and 14th line, the words "one shilling," and insert "a reasonable compensation."

On motion by Mr. McDonald,

The bill and pending amendments, contained in the foregoing report, were referred to a select committee of five.

Messrs. McDonald, Hays, White, Hunt, Goudy and Miller, were appointed said committee.

Mr. Smith of Marion, from the committee on the State Library, made the following report:

MR. SPEAKER:

The committee on the State Library, to whom was referred sundry resolutions of the House, have had the same under consideration, and directed me to report the following bill:

No. 192. A bill to provide for the election of a State Librarian, and defining the duties of the office, and regulating the affairs of the State Library;

Which was read a first time, and passed to a second reading.

RESOLUTIONS OF THE HOUSE.

The Speaker announced that the first thing in order was to proceed to the election of the select committee on Revision.

Mr. King moved to postpone the election until 3 o'clock, to-day. And the question being put,

The ayes and noes were demanded by Messrs. King and Buskirk.

Those who voted in the affirmative were,

Messrs. Carpenter, Davis of Franklin, Dobson, Douthit, Eccles, King, Lawrence, Lindsay of Howard, McConnell, McDonald, Morris, Smith of Marion, Smith of Spencer, Stanfield, Stevens, Walker, Watson, Williams and Wilson—19.

Those who voted in the negative were,

Messrs. Barker, Beeson, Bulla, Buskirk, Chowning, Cockrum, Crawford, Cromwell, Davis of Sullivan, Dice, Donham, Foster, Geddes, Gibson, Gookins, Gunn, Hanna, Hart, Helmer, Henry, Hicks, Huey, Huffstetter, Humphreys, Hunt, Kent, Lavery, Leviston, Lindsey of Fayette, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McDowell, Miller, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Scudder, Shanklin, Staton, Stover, Struble, Sweet, Taggart, Torbet, Withers and Mr. Speaker—54.

So the election was not so postponed.

Mr. Buskirk nominated Mr. Gibson as a candidate for one of the committee on Revision.

Mr. Humphreys nominated Mr. Stover.

Mr. Barker nominated Mr. Owen.

Mr. Lindsay of Howard was nominated.

Mr. Beeson nominated Mr. Bryant.

The first viva voce vote for the select committee was as follows :

NAMES OF REPRESENTATIVES.	T. W. Gibson.	D. C. Stover.	R. D. Owen.	N. R. Lindsay.	J. R. M. Bryant.	A. McDonald.	S. H. Buskirk.	W. H. English.	Mr. Holman.	Blank.
Barker.....	1	1	1	1	..	..	..	..	..	..
Beane.....	2	2	2	2	..	..	..	..	..	..
Beeson.....	3	3	..	3	1	..	..	..	..	..
Bulla.....	4	..	..	..	..	..	..	..	..	..
Buskirk.....	5	4	3	4	..	..	..	..	..	..
Carpenter.....	..	..	..	..	..	..	..	..	..	1
Chowning.....	6	5	4	5	..	..	..	..	..	..
Crawford.....	7	6	5	..	2	..	..	..	..	..
Cromwell.....	..	..	..	..	..	..	..	..	..	2
Davis of Franklin.....	..	..	..	..	..	..	..	..	..	3
Davis of Sullivan (excused).....	..	..	..	..	..	..	..	..	..	..
Dice.....	8	7	6	..	3	..	..	..	..	..
Dobson.....	9	8	7	6	..	..	..	..	..	..
Donham.....	10	9	8	7	..	..	..	..	..	..
Doughty.....	11	..	..	..	..	..	..	..	..	..
Douthit.....	12	10	9	8	..	..	..	..	..	..
Eccles.....	13	11	10	9	..	..	..	..	..	..
Foster.....	14	12	11	..	4	..	..	..	..	..
Geddes.....	..	..	12	10	..	..	..	..	1	..
Gibson.....	..	13	13	11	5	..	..	..	..	..
Gookins.....	15	14	14	..	..	..	..	..	..	..
Gunn.....	..	..	..	..	..	..	..	..	..	4
Hanna.....	16	15	15	12	..	..	..	..	..	..
Hart.....	17	16	16	..	6	..	..	..	..	..
Helmer.....	..	..	..	..	..	..	..	..	..	5
Henry.....	18	17	17	..	7	..	..	..	..	..
Hicks.....	..	..	..	..	..	..	..	..	..	6
Huey.....	19	18	18	13	..	..	..	..	..	..
Huffstetter.....	20	19	19	14	..	..	..	..	..	..
Humphreys.....	21	20	20	..	..	..	..	..	..	..
Hunt.....	22	21	21	15	..	..	..	..	..	..
Kent.....	23	22	22	16	..	..	..	..	..	..
King.....	24	..	..	..	..	..	..	..	..	..
Laverty.....	25	23	23	..	8	..	..	..	..	..
Lawrence.....	..	..	..	..	..	..	..	..	..	7
Leviston.....	..	24	24	17	9	..	..	..	..	..
Lewis.....	26	25	25	18	..	..	..	..	..	..
Lindsey of Fayette.....	27	26	26	..	10	..	..	..	..	..
Lindsay of Howard.....	28	..	..	..	11	..	..	..	..	..
Litchfield.....	29	27	27	19	..	..	..	..	..	..
Major.....	30	28	28	20	..	..	..	..	..	..
Manson.....	31	29	29	..	..	..	..	..	..	..
Marrs.....	32	..	30	21	12	..	..	..	..	..
Mayfield.....	33	..	31	22	13	..	..	..	..	..
McAllister.....	34	30	32	..	14	..	..	..	..	..
McConnell.....	35	31	33	..	..	..	..	..	..	..
McDonald.....	36	..	34	23	15	..	..	..	..	..
Morris.....	37	32	35	24	..	..	..	..	..	..
Mudgett.....	38	33	36	..	..	..	..	..	..	..
Nelson.....	39	34	37	..	..	..	..	..	..	..
Owen.....	40	35	..	25	16	..	..	..	..	..
Porter.....	41	36	38	..	..	..	..	..	..	8
Ray.....	42	37	39	26	..	..	..	..	..	..
Scudder.....	43	..	..	..	..	..	..	..	..	..
Shanklin.....	..	38	40	..	..	..	..	..	..	..
Smith of Marion.....	44	39	41	27	..	..	..	..	..	..
Smith of Spencer.....	45	40	42	..	..	..	..	..	..	..
Stanfield.....	46	..	..	..	..	..	..	..	..	..
Staton.....	47	..	..	..	..	..	..	..	..	..
Stevens.....	48	..	43	28	17	..	..	..	..	..
Stover.....	49	..	44	29	18	..	..	..	..	..

First Vote—Continued.

NAMES OF REPRESENTATIVES.	T. W. Gibson.	D. C. Stover.	R. D. Owen.	N. Lindsay.	J. R. M. Bryant.	A. McDonald.	S. H. Buskirk.	W. H. English.	Mr. Holman.	Blank.
Struble.....	..	41	45	30	19	..	..	..	..	..
Sumner	50	..	..	31	20	..	..	1	..	..
Sweet	51	42	46	..	..	..	..	..	..	..
Taggart	52	43	47	32	..	..	..	..	..	..
Torbet.....	53	44	48	33	..	..	..	..	..	..
Walker.....	..	..	..	..	..	..	..	..	..	6
Watson.....	54	..	..	..	..	..	..	..	..	..
Wells.....	55	45	49	34	..	..	..	..	..	..
Williams.....	56	46	50	35	..	..	..	..	..	..
Wilson.....	..	..	..	..	..	..	..	..	..	10
Withers.....	57	47	51	..	..	..	1	..	..	..
Mr. Speaker.....	58	48	52	..	..	..	..	..	..	..

Whole number of votes given, 72.

Necessary to a choice, 37.

T. W. Gibson received.....	58 votes.
D. C. Stover	48 "
R. D. Owen.....	52 "
N. R. Lindsay.....	35 "
J. R. M. Bryant.....	20 "
A. McDonald.....	1 "
W. H. English.....	1 "
S. H. Buskirk.....	1 "
Wm. S. Holman.....	1 "
Blank.....	10

Messrs. T. W. Gibson, D. C. Stover and R. D. Owen having each received a majority of all the votes given they were by the Speaker declared duly elected.

The House proceeded to a second *viva voce* vote for a fourth member of the select committee on revision.

Mr. King moved the House adjourn.

Which motion did not prevail.

NAMES OF REPRESENTATIVES.

	Mr. Nelson.	Mr. McDonald.	Mr. Bryant.	Mr. Buskirk.	Mr. Lindsey of H.	Blank.
Barker				1		
Beane				2		
Beeson				3		
Bulla						1
Buskirk						2
Chowning					1	
Cockrum				4		
Crawford				5		
Cromwell						3
Davis of Sullivan		exc'd.				
Davis of Franklin		1				
Dobson			1			
Dice				6		
Donham				7		
Doughty				8		
Douthit		2				
Eccles				9		
Foster				10		
Geddes		3				
Gibson				11		
Gookins				12		
Gunn						4
Hanna		4				
Hart				13		
Helmer						5
Henry				14		
Hicks						6
Huey				15		
Huffstetter				16		
Hunt		5				
Kent				17		
King						7
Laverty				18		
Lawrence						8
Leviston						9
Lewis				19		
Litchfield				20		
Major		6				
Manson				21		
Marrs				22		
Mayfield				23		
McAllister				24		
McConnell				25		
McDonald				26		
Morris						10
Mudgett				27		
Nelson				28		
Owen				29		
Porter	1			30		
Ray				31		
Shanklin						
Smith of Marion			2			
Smith of Spencer				32		
Stanfield		7				
Stevens				33		
Stover				34		
Struble				35		
Sumner		8				
Sweet				36		
Taggart				37		
Torbet				38		
Walker						11
Watson		9				
Williams		10				
Wilson				39		
Mr. Speaker				40		

The Speaker announced that no quorum had voted.

Mr. Doughty moved the House adjourn.

Which motion did not prevail.

On motion by Mr. Huffstetter,

A call of the House was ordered.

The Clerk proceeded to the call, when the following members answered to their names:

Messrs. Barker, Beane, Beeson, Bulla, Buskirk, Chowning, Cockrum, Crawford, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Gunn, Hanna, Hart, Helmer, Henry, Hicks, Huey, Huffstetter, Humphreys, Hunt, Kent, King, Lavery, Lawrence, Leviston, Lindsay of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoorover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Sumner, Sweet, Taggart, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—75.

On motion by Mr. Gibson,

A further call of the House was suspended.

Mr. Kent moved a call of the House;

Which was not seconded.

On motion by Mr. Withers,

The House adjourned until two o'clock, P. M.

2 o'clock, P. M.

The House met.

By unanimous consent of the House,

Mr. Hanna offered the following resolution:

Resolved, That the Senate concurring, the House will dispense with the election of one committee man on the revision of the statutes.

On motion by Mr. Kent,

A call of the House was ordered.

The Clerk proceeded to the call, when the following members answered to their names:

Messrs. Barker, Beane, Beeson, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cromwell, Davis of Franklin, Davis of Sullivan, Dice,

Dobson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Gunn, Hanna, Hart, Helmer, Henry, Hicks, Hudson, Hunt, Kent, King, Lavery, Lawrence, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Sumner, Sweet, Taggart, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—73.

On motion by Mr. Doughty,

A further call of the House was suspended.

The question being on the adoption of the resolution,

Mr. Kent moved to lay the resolution on the table;

And the question being put,

The ayes and noes were demanded by Messrs. Hanna and Kent.

Those who voted in the affirmative were,

Messrs. Barker, Beane, Buskirk, Chowning, Dobson, Gibson, Hart, Lavery, Manson, Mayfield, McAllister, McDowell, Nelson, Owen, Porter, Smith of Marion, Stover, and Mr. Speaker—18.

Those who voted in the negative were,

Messrs. Beeson, Bulla, Carpenter, Cockrum, Cromwell, Davis of Franklin, Dice, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gookins, Gunn, Hanna, Helmer, Henry, Hicks, Hunt, King, Lawrence, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Marrs, McConnell, McDonald, Miller, Morris, Mudget, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Spencer, Stanfield, Staton, Stevens, Struble, Sumner, Sweet, Taggart, Walker, Watson, Wells, Williams, Wilson, and Withers—52.

So the resolution was not laid on the table.

The question then being on the adoption of the resolution,

The ayes and noes were demanded by Messrs. Gibson and Withers.

Those who voted in the affirmative were,

Messrs. Barker, Beane, Beeson, Bulla, Carpenter, Chowning, Cockrum, Davis of Franklin, Dice, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gookins, Gunn, Hanna, Hart, Helmer, Henry, Hicks, Huey, Humphreys, Hunt, King, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Marrs, Mayfield, McConnell, McDonald, Miller, Morris, Ray, Reynolds, Schoonover,

Scudder, Shanklin, Smith of Spencer, Stanfield, Staton, Stevens, Struble, Sumner, Sweet, Taggart, Walker, Watson, Wells, Williams, Wilson and Withers—57.

Those who voted in the negative were,

Messrs. Crawford, Davis of Sullivan, Dobson, Gibson, Kent, Laver-ty, Manson, McDowell, Nelson, Owen, Porter, Smith of Marion, Stover, Torbet, and Mr. Speaker—16.

So the resolution was adopted.

Ordered that the clerk inform the Senate thereof.

On motion by Mr. Kent,

Resolved, That the Senate be invited to attend instanter in the hall of the House of Representatives, and proceed by a viva voce vote to the election of a Law Commissioner to revise, simplify and abridge the practice and pleadings in courts of justice, in the place of Jonathan A. Liston, resigned.

The Senate then came into the Hall of the House, when both branches of the General Assembly in joint convention, proceeded by a viva voce vote, to the election of a commissioner to revise, simplify and abridge the practice and pleadings in courts of justice in this State.

Those who voted for Lucien Barbour on the part of the Senate, were,

Messrs. Alexander, Berry, Brugh, Cravens, Defrees, Delevan, Eddy, Emerson, Goodman, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, Kendall, Knowlton, Logan, McCarty, Mickle, Miller, Milliken, Niblack, Odell, Reid, Saffer, Slack, Sleeth, Spann, Turman, Walker, Washburn, and Winstandley—35.

Those who voted for Lucien Barbour on the part of the House, were,

Messrs. Barker, Beane, Beeson, Buskirk, Carpenter, Chowning, Cockrum, Crawford, Davis of Sullivan, Dice, Dobson, Donham, Douthit, Eccles, Foster, Gibson, Gookins, Hanna, Hart, Helmer, Henry, Huey, Kent, Laver-ty, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAl-
lister, McConnell, McDonald, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stevens, Stover, Struble, Sweet,

Taggart, Torbet, Walker, Wells, Williams, Wilson, Withers and Mr. Speaker—61.

Messrs. King and Sumner, of the House, voted for Isaac Blackford.

Messrs. Davis of Franklin, Doughty, Geddes, Hunt, Lawrence and Watson voted blank.

Mr. Gunn refused to vote.

Whole number of votes given, 102.

Necessary to a choice, 52.

Lucien Barbour received.....96 votes.

Isaac Blackford “ 2 “

Blank..... 6 “

Lucien Barbour, having received a majority of all the votes given, was, by the President of the joint convention, declared duly elected a commissioner to revise, simplify and abridge the rules, practice, pleadings and forms of the courts of justice, to serve as such during the unexpired time of Jonathan A. Liston, resigned.

The convention having performed the duties for which it was assembled, the President declared it adjourned, *sine die*.

On motion by Mr. King,

Resolved, That the Senate be invited to attend instanter in the hall of the House, and proceed to the election of eleven trustees of the Indiana University, by joint convention.

The Senate came into the Hall, when both Houses of the General Assembly, in joint convention, by a *viva voce* vote, proceeded to the election of eleven Trustees for the Indiana University; when

THE MEMBERS OF THE SENATE VOTED AS FOLLOWS:

SENATORS.		Powell.	Browning.	McCullough.	Tarkington.	McPheters.	Morrison.	Malott.	Smith.	Adams.	Murphy.	Dunn.	Benoit.	Maxwell.	Helwig.	Evans.	Jenks.	Stuart.	Cole.	Blythe.	Bardwell.	Bowes.	Deming.	Cornett.	Campbell.	Hibben.	Calhoun.	Collins.	Orth.	Wells.
Berry.....
Bugh.....
Cravens.....
Deftrees.....
Delevan.....
Eddy.....
Emerson.....
Hanna.....
Hathfield.....
Hendon.....
Hester.....
Hickman.....
Hicks.....
Hunt.....
Kendall.....
Knowlton.....
Logan.....
Logan.....
McCarthy.....
Nickle.....
Miller.....
Millikin.....
Millikin.....
Niblack.....
Niblack.....
Odell.....
Odell.....
Reid.....
Reid.....
Safer.....
Safer.....
Slack.....
Slack.....
Sleeth.....
Sleeth.....
Spann.....
Spann.....
Turnan.....
Turnan.....
Walker.....
Walker.....
Washington.....
Washington.....</		

THE MEMBERS OF THE HOUSE VOTED AS FOLLOWS:

REPRESENTATIVES.	Powell.	Browning.	McCullough.	Tarkington.	McPheters.	Mortlach.	Malott.	Smith.	Adams.	Murphey.	Dunn.	Benolt.	Maxwell.	Helwig.	Evans.	Jenks.	Stuart.	Cole.	Blythe.	Bardwell.	Bowes.	Deming.	Cornett.	Campbell.	Hibben.	Cathcart.	Collax.	Orth.	Wells.
Barker.....	2	31	29	...	...	32	22	...	28	29	...	...	10	8	...	...	...	4	...	...	...	...	13	...	...	...	...	...	...
Beane.....	3	32	30	...	...	33	23	...	...	30	24	19	11	9	19	7	9	5	...	...	...	...	...	3	...	26	...	...	...
Beeson.....	...	33	31	...	...	34	24	...	...	...	...	20	12	10	...	8	10	6	4	...	...	...	...	...	...	...	...	...	...
Bulls.....	...	34	32	...	...	35	25	...	29	31	25	21	...	11	...	...	...	7	5	...	...	...	...	...	...	...	...	...	...
Buskirk.....	...	35	33	...	...	36	26	...	...	...	26	22	...	12	...	...	...	8	6	...	...	...	...	...	...	...	...	...	...
Carpenter.....	...	36	34	...	...	...	...	...	...	...	...	...	...	...	...	...	...	9	...	...	...	...	...	...	...	...	...	...	...
Chowning.....	...	37	35	...	...	...	28	...	30	32	27	23	13	...	20	11	12	10	7	...	...	...	...	...	...	...	...	...	...
Cockrum.....	4	38	36	...	...	...	...	...	...	...	...	24	14	...	21	10	11	11	...	3	2	...	...	...	...	...	...	...	...
Crawford.....	...	39	37	...	...	...	...	...	...	...	...	...	15	14	...	10	13	...	...	...	...	...	...	...	...	...	...	...	...
Cronwell.....	5	40	37	...	...	...	...	...	...	...	...	...	16	...	...	11	...	12	...	...	...	...	...	...	...	...	...	...	...
Davis of Franklin.....	6	...	...	...	...	37	...	...	...	...	...	...	...	...	...	11	...	13	...	...	...	...	...	...	...	...	...	...	...
Davis of Sullivan.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	14	...	...	...	...	...	...	...	...	...	...	...
Dice.....	...	41	38	...	...	...	28	...	31	33	28	25	17	16	...	12	...	15	...	...	...	...	...	...	...	...	...	...	...
Dobson.....	7	...	39	...	...	39	30	...	...	34	...	26	18	...	23	13	...	16	...	...	...	...	...	...	...	...	...	...	...
Donham.....	...	42	40	...	...	40	30	...	32	35	...	27	...	...	...	...	...	17	...	...	...	...	...	...	...	...	...	...	...
Doughty.....	8	43	41	...	...	41	...	...	33	...	29	28	...	18	...	...	...	18	...	...	...	...	...	...	...	...	...	...	...
Doughti.....	...	44	42	...	...	...	2	...	34	...	...	...	...	...	24	15	...	19	...	...	...	...	...	...	...	...	...	...	...
Eccles.....	9	45	43	...	...	...	3	...	35	...	30	29	...	...	...	...	...	20	...	...	...	...	...	...	...	...	...	...	...
Foster.....	...	46	44	...	...	42	31	...	36	36	30	30	19	...	26	16	...	21	...	...	...	...	...	...	...	...	...	...	...
Geedes.....	...	47	45	...	...	43	32	...	...	...	...	31	20	19	...	14	...	22	...	...	...	...	...	...	...	...	...	...	...
Gibson.....	...	48	46	...	...	44	...	...	37	37	...	32	...	20	...	...	...	23	...	...	...	...	...	...	...	...	...	...	...
Gookins.....	...	49	47	...	...	45	33	...	38	...	...	33	20	21	...	15	...	24	...	...	...	...	...	...	...	...	...	...	...
Graham.....	...	50	48	...	...	46	34	...	39	38	31	34	...	22	...	...	...	25	...	...	...	...	...	...	...	...	...	...	...
Gunn.....	...	51	49	...	...	47	35	...	...	...	...	...	21	23	...	...	...	26	...	...	...	...	...	...	...	...	...	...	...
Hanna.....	10	52	50	...	...	48	...	...	...	39	32	35	...	24	...	...	...	27	...	...	...	...	...	...	...	...	...	...	...
Hart.....	11	...	...	...	...	49	...	...	...	40	...	36	...	25	...	...	...	28	...	...	...	...	...	...	...	...	...	...	...
Helmer.....	...	53	51	...	...	50	36	...	38	41	...	37	...	26	...	...	...	29	...	...	...	...	...	...	...	...	...	...	...
Hicks.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	30	...	...	...	...	...	...	...	...	...	...	...
Huey.....	...	54	...	...	...	...	37	...	39	42	34	39	...	27	...	...	...	31	...	...	...	...	...	...	...	...	...	...	...
Hufstetter.....	...	55	52	...	...	51	38	...	40	43	35	40	...	...	...	...	...	32	...	...	...	...	...	...	...	...	...	...	...
Humphreys.....	...	56	53	...	...	52	39	...	41	44	36	41	...	...	...	...	...	33	...	...	...	...	...	...	...	...	...	...	...
Hunt.....	...	57	54	...	...	53	40	...	42	45	37	42	...	...	...	...	...	34	...	...	...	...	...	...	...	...	...	...	...
Kent.....	...	58	55	...	...	54	41	...	43	46	38	43	...	...	...	...	...	35	...	...	...	...	...	...	...	...	...	...	...
King.....	...	59	56	...	...	55	42	...	44	...	39	...	...	...	...	...	...	36	...	...	...	...	...	...	...	...	...	...	...
Lavery.....	...	60	57	...	...	56	43	...	45	...	40	44	...	...	...	...	...	37	...	...	...	...	...	...	...	...	...	...	...
Lawrence.....	61	...	58	...	...	57	44	...	46	47	41	45	...	...	...	...	...	38	...	...	...	...	...	...	...	...	...	...	...

MEMBERS OF THE HOUSE—Continued.

REPRESENTATIVES.	Powell.																		
	Browning.	McCullough.	Tarkington.	McPheters.	Morrison.	Malott.	Smith.	Adams.	Murphey.	Dunn.	Benolt.	Maxwell.	Helwig.	Evans.	Jenks.	Stuart.	Cole.	Blythe.	Bardwell.
Levison.....	12	59	...	47	58	44	...	45	...	...	...	...	30	35	...	...	...	...	...
Lewis.....	63	60	...	48	59	45	...	46	48	41	46	...	31	36	...	...	...	...	...
Lindsey of Fayette.....	13	61	...	...	60	46	...	47	...	...	...	23	32	37	...	...	...	...	...
Lindsay of Howard.....	63	62	...	49	61	47	...	48	49	42	47	...	33	38	...	...	...	...	...
Litchfield.....	...	63	...	50	62	48	...	49	50	43	48	...	33	39	...	...	...	...	...
Major.....	14	64	...	...	63	49	...	50	51	44	49	...	34	40	...	...	...	...	...
Manson.....	68	65	...	51	64	50	...	50	51	44	50	...	35	40	...	...	...	...	...
Marris.....	69	66	...	...	65	51	...	51	...	...	...	24	36	...	...	...	...	...	...
Mayfield.....	15	67	...	32	66	52	...	51	52	45	51	...	37	41	...	...	...	...	...
McAllister.....	71	68	...	53	67	...	...	52	...	46	52	...	38	42	...	...	...	...	...
McConnell.....	72	69	...	54	68	53	...	53	53	47	53	...	39	43	...	...	...	...	...
McDowell.....	73	70	...	55	69	54	...	54	54	48	54	...	40	44	...	...	...	...	...
Miller.....	74	71	...	56	70	55	...	55	55	49	55	...	41	44	...	...	...	...	...
Morris.....	75	72	...	57	71	56	...	56	56	50	56	...	42	45	...	...	...	...	...
Mudgett.....	76	73	...	58	72	57	...	57	57	51	57	...	43	46	...	...	...	...	...
Nelson.....	77	74	...	59	73	58	...	57	68	52	58	...	44	47	...	...	...	...	...
Owen.....	78	75	...	...	74	...	...	...	...	...	...	27	45	48	...	...	...	...	...
Porter.....	79	76	...	60	75	59	...	58	59	53	60	...	46	49	...	...	...	...	...
Ray.....	80	77	...	61	76	60	...	59	60	54	61	...	47	50	...	...	...	...	...
Reynolds.....	81	78	...	62	77	61	...	60	61	55	62	...	48	51	...	...	...	...	...
Schoonover.....	82	79	...	63	78	62	...	61	62	56	63	...	49	52	...	...	...	...	...
Scudder.....	83	80	...	64	79	63	...	62	63	57	64	...	50	53	...	...	...	...	...
Shanklin.....	...	81	...	65	80	64	...	63	64	58	65	...	51	54	...	...	...	...	...
Smith of Marion.....	16	82	...	...	...	...	...	64	65	...	66	...	52	55	...	...	...	...	...
Smith of Spencer.....	84	83	...	66	81	65	...	65	66	59	67	...	53	56	...	...	...	...	...
Stanfield.....	17	86	...	67	82	66	...	66	67	60	68	...	54	57	...	...	...	...	...
Staton.....	87	84	...	68	83	67	...	67	68	61	69	...	55	58	...	...	...	...	...
Stevens.....	...	85	...	69	84	68	...	68	69	62	70	...	56	59	...	...	...	...	...
Stover.....	88	...	...	70	85	69	...	69	70	63	71	...	57	60	...	...	...	...	...
Struble.....	...	86	...	71	86	70	...	70	71	64	72	...	58	61	...	...	...	...	...
Sumner.....	90	87	...	72	87	71	...	71	72	65	73	...	59	62	...	...	...	...	...
Sweet.....	91	88	...	73	88	72	...	72	73	66	74	...	60	61	...	...	...	...	...

Mr. McDonald voted for Messrs. Ball, Chamberlin, Cain, Bright, Willard, Fitch, Borden, Pettit, Mudgett, and Carnan.

Synopsis of the first viva voce vote for Trustees.

Whole number of votes cast,.....	113
Necessary to a choice,.....	57

Of which		
Mr. A. C. Browning received.....		100
“ Johnson McCollough “		97
“ Jos. G. McPheters “		82
“ Michael Malott “		81
“ John I. Morrison “		97
“ Thomas M. Adams “		81
“ Wm. M. Dunn “		76
“ Rev. Julian Benoit “		83
“ J. Helwig “		69
“ P. J. R. Murphy “		82
“ George Evans “		70
“ ——— Powell “		17
“ ——— Smith “		6
“ ——— Maxwell “		28
“ ——— Jenks “		19
“ Wm. Stewart “		22
“ ——— Cole “		26
“ ——— Blythe “		25
“ ——— Bardwell “		2
“ ——— Bowes “		3
“ ——— Deming “		1
“ T. S. Cornett “		33
“ ——— Campbell “		7
“ ——— Hibben “		7
“ ——— Cathcart “		33
“ ——— Colfax “		1
“ ——— Orth “		6

Messrs. A. C. Browning, Johnson McCullough, Jos. G. McPheters, Michael Malott, John I. Morrison, Thomas M. Adams, William M. Dunn, Rev. Julian Benoit, J. Helwig, Rev. P. J. R. Murphy, and George Evans, each having received a majority of all the votes given, were declared duly elected Trustees of the Indiana University, to serve as such for and during the term prescribed by law.

The Convention adjourned *sine die*, and the Senate retired to their chamber.

Mr. Smith of Marion, chairman of the committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The committee on Enrolled Bills have compared the following enrolled with the engrossed bills of the House of the corresponding numbers, and find them correctly enrolled:

No. 56. An act making general provisions concerning courts of justice, and the powers and duties of judicial officers, embracing the following matters connected therewith, viz: Sittings of courts shall be public; Judge who is party, &c., to a suit, not to sit; Judge was attorney, &c., not to sit, &c.; Judge, if a party, may appear, &c.; Court not to sit on Sunday, except, &c.; Effect of impression of seal of court; Courts of record—their powers; When process, cause, &c., not to be discontinued; Omission to adjourn; New seal; Writs, &c., to be sealed, &c.; When returnable; Attorney's name to be endorsed on writ; Power of courts to punish for contempts; Mode of proceeding in case of contempt; Person fined for contempt may show such fine, &c., if indicted; Drawing up and signing minutes of proceedings; Place of holding courts; Court may adjourn in case of sickness; Clerk shall publish the same; Effect of such adjournment; Failure of court to convene, shall not effect causes.

No. 122. An act to provide for the organization of County Boards, and defining their powers and duties.

No. 138. An act providing for the incorporation of Bridge Companies.

No. 112. An act to authorize the formation of companies for the detection and apprehension of horse thieves and other felons, and defining their powers.

Whereupon, the Speaker signed the same.

Ordered that the Clerk inform the Senate thereof.

On motion by Mr. Hicks,

Mr. Gunn obtained leave of absence until the 10th inst.

On motion by Mr. Lindsay of Howard,

Mr. Miller obtained leave of absence until the 10th inst.

On motion by Mr. Smith of Spencer,

Mr. McDowell obtained leave of absence until the 10th inst.

On motion by Mr. Reynolds,

The House adjourned.

TUESDAY MORNING, 9 o'clock,
March 9, 1852. }

The House met.

The journal of the preceding day was read.

The Clerk proceeded to the call.

Mr. King moved to dispense with the further call of the House.

Which motion did not prevail.

The following members answered to their names, viz :

Messrs. Barker, Beane, Beeson, Bryant, Bulla, Buskirk, Carpenter, Chowning, Crawford, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Graham, Gunn, Hanna, Hart, Helmer, Henry, Hicks, Huey, Huffsteter, Humphreys, Hunt, Kent, King, Laverty, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McConnell, McDonald, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Sumner, Sweet, Taggart, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker.

REPORTS FROM COMMITTEES.

Mr. Buskirk, chairman of the committee on Ways and Means, made the following report :

MR. SPEAKER :

The committee on Ways and Means, to whom was referred Senate bill No. 81, have directed me to report the same back, and recommend that it be referred to the joint committee on revision.

Which report was concurred in.

Mr. Stanfield, from the committee on the Judiciary, made the following report :

MR. SPEAKER :

The committee on the Judiciary, to which was referred bill No. 124—to provide for the incorporation of towns, &c.—has directed

me to report the same back and recommend that it be referred to the joint committee on revision.

Which was concurred in.

RESOLUTIONS OF THE HOUSE.

Mr. Gibson offered the following resolution:

Resolved, That the rule requiring the roll to be called and the names of the absentees to be published, be suspended until after the recess.

Mr. King moved to amend the resolution by striking out the words "until after the recess."

Mr. Kent moved to lay the resolution and amendment on the table.

Mr. Gibson called a division of the question.

The question being first on laying the amendment on the table;

And being put;

The ayes and noes were demanded by Messrs. King and Kent.

Those who voted in the affirmative were,

Messrs. Barker, Beane, Beeson, Bulla, Carpenter, Chowning, Cockrum, Crawford, Davis of Franklin, Dice, Dobson, Douthit, Eccles, Foster, Geddes, Gibson, Graham, Hanna, Hart, Helmer, Henry, Hicks, Huey, Huffstetter, Humphreys, Hunt, Kent, Lavery, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Marrs, McDonald, Morris, Nelson, Porter, Ray, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Stevens, Stover, Struble, Sweet, Taggart, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—57.

Those who voted in the negative were,

Messrs. Bryant, Buskirk, Cromwell, Davis of Sullivan, Donham, Doughty, Gookins, Gunn, King, Manson, Mayfield, McConnell, Mudgett, Owen, Scudder, Stanfield, Staton, Sumner, Torbet, and Walker—20.

So the amendment was laid on the table.

The question then being put to lay the resolution on the table,

It was decided in the negative.

The question then recurred on the adoption of the resolution;

And being put,
The ayes and noes were demanded by Messrs. Porter and Doughty.

Those who voted in the affirmative were,

Messrs. Beeson, Bryant, Buskirk, Carpenter, Chowning, Cockrum, Crawford, Davis of Franklin, Davis of Sullivan, Eccles, Foster, Geddes, Gibson, Gookins, Hanna, Helmer, Hicks, Huey, Huffstetter, Humphreys, Kent, Lewis, Lindsey of Fayette, Litchfield, Major, Marrs, Mayfield, McAllister, McDonald, Morris, Nelson, Owen, Ray, Schoonover, Scudder, Smith of Marion, Smith of Spencer, Stanfield, Stevens, Stover, Struble, Sumner, Taggart, Torbet, Wells, Williams, Wilson, Withers, and Mr. Speaker—50.

Those who voted in the negative were,

Messrs. Barker, Beane, Bulla, Dobson, Donham, Doughty, Douthit, Graham, Gunn, Hart, Henry, Hunt, King, Lavery, Lawrence, Leviston, Lindsay of Howard, Manson, McConnell, Mudget, Porter, Reynolds, Shanklin, Staton, Sweet, Walker, and Watson—27.

So the resolution was adopted.

The hour having arrived, the Speaker announced the special order of the day:

No. 137. A bill to provide for a general and uniform system of common schools; providing for the election and defining the duties of township trustees, circuit superintendents and State Superintendent of Public Instruction; providing for the custody and sale of school lands, the loaning of school funds and the distribution thereof, the powers of the qualified voters of the township, the powers and duties of incorporated cities and towns in relation to schools; of the duties of teachers, and the evidence of their qualifications; for township school libraries and the custody and management thereof; for taxes in aid of school funds, and for the establishment of township libraries; defining the duties of county auditors and treasurers, and of the Auditor and Treasurer of State in relation to schools, and school funds and township libraries and compensation of officers and liability thereof for neglect of duty; duties of county commissioners and school commissioners; for a State Board of Education and the duties thereof; of the division of the State into school circuits; of the qualification of voters in school corporations.

Mr. McDonald moved to postpone the special order of the day until the 24th of April next;

Which was not agreed to.

On motion by Mr. Kent,

The special order of the day was postponed five minutes.

On motion by Mr. Gibson,

The following message from the Senate was taken up and considered.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House, with the accompanying engrossed amendments of the Senate thereto:

No. 190. Entitled "An act providing for the erection of buildings appertaining to the State Prison."

In which the concurrence of the House is respectfully requested.

The amendments of the Senate to House bill No. 190, contained in the foregoing message, were concurred in.

Ordered, that the clerk inform the Senate thereof.

Mr. King offered the following resolution:

Resolved, The Senate concurring, that the joint committee of Revision, to remain at the capital during the recess, be directed to convene formally at 9 o'clock, each morning, (except Sundays) elect its proper officers from itself, keep a journal of its proceedings, call a roll of such committee at each session thereof; note the absentees therefrom, and officially publish the names of such absentees in the daily papers of next morning, in the manner absentees from the House of Representatives are now published, and finally to report to each House.

Mr. Gibson moved to amend the resolution as follows:

Strike out "Sunday."

Which was not agreed to.

Mr. Doughty moved to amend the resolution by striking out "9 o'clock," and insert "8 o'clock, A. M."

Which was disagreed to.

Mr. Humphreys moved to lay the resolution on the table.

Which motion did not prevail.

Mr. Dobson submitted the following amendment to the resolution:

That Messrs. Bryant and Lindsay of Howard be added to the committee on Revision.

Mr. McDonald moved to amend the amendment by extending the provisions of the resolution to the whole House.

Which was not agreed to.

The five minutes having expired,

On motion by Mr. Owen,

The House resolved itself into committee of the whole on the special order of the day, House bill No. 137,

Mr. Mudget in the chair.

After spending some time in the consideration of the bill, the committee arose and reported progress through Mr. Mudget, their chairman.

MR. SPEAKER:

The committee of the whole House, to whom was referred House bill No. 137, have had the same under consideration, and have come to no resolution in relation thereto, and ask to be discharged from its further consideration.

The committee was discharged.

On motion by Mr. Stanfield,

The bill was laid on the table.

The question recurred on the adoption of the amendment of Mr. Dobson to the resolution of Mr. King, pending at the taking up of the special order;

And being put,

The ayes and noes were demanded by Messrs. King and Dobson.

Those who voted in the affirmative were,

Messrs. Barker, Beane, Beeson, Buskirk, Chowning, Crawford, Davis of Franklin, Dice, Dobson, Douthit, Eccles, Gibson, Gookins, Hanna, Henry, Huey, Kent, Lewis, Litchfield, Marrs, McAllister, McConnell, Morris, Mudget, Nelson, Owen, Porter, Smith of Marion, Stover, Sweet, Torbet, Williams, and Mr. Speaker—33.

Those who voted in the negative were,

Messrs. Cockrum, Donham, Foster, Geddes, Huffstetter, Hunt, Laverty, Lawrence, Lindsey of Fayette, Major, Mayfield, Ray, Reynolds, Schoonover, Shanklin, Smith of Spencer, Stanfield, Staton, Stevens, Struble, Sumner, Taggart, Wells, and Wilson—24.

No quorum voted.

Mr. Kent moved the House adjourn until to-morrow morning 6 o'clock;

Which motion did not prevail.

Mr. Smith of Marion moved a call of the House;

Which was not ordered.

Mr. Kent moved the House adjourn until to-morrow morning 6 o'clock;

And the question being put,

The ayes and noes were demanded by ten members.

Those who voted in the affirmative were,

Messrs. Buskirk, Davis of Franklin, Davis of Sullivan, Donham, Geddes, Gibson, Hanna, Hart, Lindsey of Fayette, Marrs, Scudder, and Stanfield—12.

Those who voted in the negative were,

Messrs. Barker, Beane, Beeson, Bryant, Bulla, Carpenter, Chowning, Cockrum, Crawford, Cromwell, Dice, Dobson, Doughty, Douthit, Eccles, Foster, Gookins, Graham, Gunn, Helmer, Henry, Hicks, Huey, Huffstetter, Hunt, Kent, King, Laverty, Lawrence, Lewis, Lindsay of Howard, Litchfield, Major, Mayfield, McAllister, McConnell, McDonald, Morris, Mudgett, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stevens, Stover, Struble, Sumner, Sweet, Taggart, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—63.

Mr. King moved to lay the amendment of Mr. Dobson on the table.

Mr. Buskirk moved to amend the motion by adding "and the resolution."

Mr. King called a division of the question.

The question being first to lay the amendment on the table;

Pending which,

On motion by Mr. Beeson,

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met.

By unanimous consent of the House,

Mr. McDonald obtained leave and made the following report:

MR. SPEAKER:

The committee on Manufactures and Commerce, to which was referred House bills No. 167 and 179, in relation to inspection of beef, flour, tobacco, pork, &c., report the same back to the House, to be disposed of as the House may think proper.

On motion by Mr. Smith of Marion,

The bills contained in the foregoing report were referred to the committee on Revision.

By unanimous consent of the House,

Mr. Doughty offered the following resolution:

Resolved, That the deputation of ladies who were appointed by the Social Order of Temperance, be received by the House this afternoon at 3 o'clock, to present, through a member of the House, a memorial on temperance.

Which was agreed to.

By unanimous consent of the House,

Mr. Williams offered the following resolution:

Resolved, That all bills heretofore introduced into this House during this session, not indefinitely postponed, be referred to the select joint committee on Revision; and that the clerk of this House is hereby required to give to said committee access to the journal, bills, and other papers in his charge.

Mr. Buskirk moved to amend the resolution so as to include all bills on the table, and bills that have been indefinitely postponed.

Which motion did not prevail.

Mr. Nelson submitted the following amendment to the resolution:

That the clerk of this House be authorized to deliver to the joint committee on the revision of the laws, all bills of the House or Senate now on file in this House, whether on the table, or otherwise awaiting the action of the House; that he take charge of the same before the committee; that he collect and have stitched together one hundred copies of all bills, acts and laws revised by said committee, and have the same ready to be delivered to each member of the House at

their meeting on the 20th of April, and that he generally act as clerk to the said committee, on the part of the House.

Mr. Kent moved to amend the amendment by striking out "100" and insert "150 copies."

Which was accepted.

The question then being on the adoption of Mr. Nelson's amendment,

And being put,

The ayes and noes were demanded by Messrs. McConnell and Schoonover.

Those who voted in the affirmative were,

Messrs. Beane, Bryant, Buskirk, Carpenter, Chowning, Crawford, Dobson, Donham, Eccles, Gibson, Hanna, Henry, Kent, Lavery, Litchfield, Manson, McAllister, Nelson, Owen, Porter, Ray, Reynolds, Stevens, Stover, Sweet, and Mr. Speaker—26.

Those who voted in the negative were,

Messrs. Barker, Beeson, Bulla, Davis of Franklin, Dice, Doughty, Douthit, Foster, Geddes, Graham, Gunn, Hart, Helmer, Hicks, Huey, Huffstetter, Hunt, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Marrs, McConnell, McDonald, Morris, Mudgett, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Struble, Sumner, Taggart, Torbet, Walker, Watson, Wells, Williams, Wilson, and Withers—43.

So the amendment was not adopted.

The question then being on the adoption of the resolution,

And being put,

It was decided in the affirmative.

By unanimous consent of the House,

Mr. King offered the following resolution:

Resolved, (if the Senate concur,) That the State Librarian be directed, during the recess of the Legislature, to provide and superintend means for the better ventilation of the Hall of the House, by such alteration or repairs in the sky-light on the roof, as he may be of opinion, or may be advised will be most suitable to effect such purpose.

Mr. Withers moved to lay the resolution on the table;

Which motion did not prevail.

Mr. Davis of Franklin moved to refer the resolution to the committee on Public Buildings.

Which was not agreed to.

The question being put, on the adoption of the resolution,
It was decided in the affirmative.
By unanimous consent of the House,
Mr. Smith of Spencer obtained leave and introduced

No. 27. A Joint resolution relative to bounty lands.

Which was read a first time and passed to a second reading.

The question at the last adjournment, being on laying on the table
Mr. Dobson's amendment, to-wit:

"That Messrs. Bryant of Warren and Lindsay of Howard be added to the committee on Revision."

Messrs. Bryant and Lindsay of Howard were excused from voting.

And the question being put,

The ayes and noes were demanded by Messrs. Dobson and King.

Those who voted in the affirmative were,

Messrs. Bulla, Carpenter, Cromwell, Davis of Franklin, Dice, Graham, Gunn, Helmer, Hicks, Huffstetter, King, Laverty, Lawrence, Leviston, Lindsey of Fayette, Major, McDonald, Ray, Reynolds, Schoonover, Shanklin, Smith of Spencer, Stanfield, Staton, Struble, Sumner, Walker, Watson, Wells and Withers—30.

Those who voted in the negative were,

Messrs. Barker, Beane, Beeson, Buskirk, Chowning, Crawford, Dobson, Donham, Douthit, Eccles, Geddes, Gibson, Gookins, Hanna, Hay of Clark, Henry, Huey, Hunt, Kent, Manson, Marrs, Mayfield, McConnell, Morris, Mudgett, Nelson, Owen, Porter, Smith of Marion, Stevens, Stover, Sweet, Taggart, Torbet, Williams, Wilson, and Mr. Speaker—37.

So the amendment was not laid on the table.

On motion,

Mr. Gookins obtained leave of absence for two hours.

Mr. King moved to lay the resolution and amendment on the table;

And the question being put,

The ayes and noes were demanded by Messrs. King and Doughty.

Those who voted in the affirmative were,

Messrs. Bulla, Carpenter, Cockrum, Cromwell, Davis of Franklin, Donham, Graham, Gunn, Hart, Helmer, Hicks, Huffstetter, King,

Lawrence, Lindsey of Fayette, McDonald, Ray, Reynolds, Schoonover, Shanklin, Smith of Spencer, Staton, Struble Sumner, Walker, Watson, Wells and Withers—29.

Those who voted in the negative were,

Messrs. Barker, Beane, Beeson, Buskirk, Chowning, Crawford, Dobson, Douthit, Eccles, Foster, Geddes, Gibson, Hanna, Hay of Clark, Henry, Huey, Hunt, Kent, Lavery, Leviston, Major, Manson, Marrs, Mayfield, McAllister, McConnell, Morris, Mudget, Nelson, Owen, Porter, Smith of Marion, Stevens, Stover, Sweet, Taggart, Torbet, Williams, Wilson and Mr. Speaker—40.

So the resolution was not laid on the table.

Mr. Owen called the previous question,
Which was seconded.

And the main question ordered,

The question being first on the adoption of the amendment,

And being put :

It was decided in the affirmative.

The question then recurred on the adoption of the resolution, as amended.

And being put,

The ayes and noes were demanded by Messrs. Doughty and Graham.

Those who voted in the affirmative were,

Messrs. Barker, Beane, Beeson, Buskirk, Chowning, Crawford, Dobson, Donham, Eccles, Foster, Geddes, Gibson, Hanna, Hay of Clark, Henry, Huey, Kent, Lavery, Leviston, Lewis, Major, Manson, Marrs, McAllister, McConnell, Mudget, Nelson, Owen, Porter, Ray, Smith of Marion, Stevens, Stover, Sweet, Taggart, Torbet, Williams, Wilson, and Mr. Speaker—39.

Those who voted in the negative were,

Messrs. Cockrum, Davis of Franklin, Dice, Douthit, Hart, Hunt, Lawrence, Lindsey of Fayette, Mayfield, Reynolds, Shanklin, Stanfield, Staton, Struble, Sumner, Wells and Withers—17.

No quorum voted.

On motion by Mr. Owen,

A call of the House was ordered.

The clerk proceeded to the call, when the following members answered to their names, viz :

Messrs. Barker, Beane, Beeson, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Crawford, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Graham, Gunn, Hanna, Hart, Hay of Clark, Helmer, Henry, Hicks, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, King, Lavery, Lawrence, Leviston, Lewis, Lindsey of Fayette, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McConnell, McDonald, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Sumner, Sweet, Taggart, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers and Mr. Speaker—77.

On motion by Mr. Owen,

A further call of the House was suspended.

The question being put on the adoption of the resolution, as amended,

The ayes and noes were demanded by Messrs. Doughty and Graham.

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Buskirk, Chowning, Crawford, Dobson, Donham, Eccles, Foster, Gibson, Huey, Hudson, Henry, Hay of Clark, Kent, Lavery, Leviston, Lewis, Lindsey of Fayette, Major, Manson, Marrs, McAllister, McConnell, Morris, Mudget, Nelson, Owen, Porter, Smith of Marion, Stover, Sweet, Taggart, Torbet, Williams, Wilson, and Mr. Speaker—37.

Those who voted in the negative were,

Messrs. Cockrum, Davis of Franklin, Dice, Douthit, Hicks, Huffstetter, Humphreys, Hunt, Lawrence, Litchfield, Mayfield, Ray, Reynolds, Shanklin, Stanfield, Staton, Struble, Wells and Withers—19.

No quorum voted.

Mr. Withers moved the House adjourn until to-morrow morning 5 o'clock.

Which motion did not prevail.

On motion by Mr. Gibson,

A call of the House was ordered :

The clerk proceeded to the call, when the following members answered to their names, viz:

Messrs. Barker, Beane, Beeson, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Crawford, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donham, Doughty, Douthit, Eccles,

Foster, Geddes, Gibson, Graham, Gunn, Hanna, Hart, Hay of Clark, Helmer, Henry, Hicks, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, King, Lavery, Lawrence, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McConnell, McDonald, Morris, Mudgett, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Sumner, Struble, Sweet, Taggart, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—77.

On motion by Mr. Gibson,

A further call of the House was suspended.

The question being put on the adoption of the the resolution,

The ayes and noes were demanded by Messrs. Doughty and Graham.

Those who voted in the affirmative were,

Messrs. Barker, Beane, Beeson, Buskirk, Chowning, Crawford, Dobson, Eccles, Foster, Geddes, Gibson, Hanna, Hay of Clark, Henry, Hudson, Huey, Kent, Lavery, Leviston, Lewis, Lindsey of Fayette, Major, Manson, Marrs, McAllister, McConnell, Morris, Mudgett, Nelson, Owen, Porter, Smith of Marion, Stover, Sweet, Taggart, Torbet, Williams, Wilson, and Mr. Speaker—39.

Those who voted in the negative were,

Messrs. Cockrum, Davis of Franklin, Dice, Donham, Douthit, Hart, Huffstetter, Humphreys, Hunt, Lawrence, Litchfield, Mayfield, Ray, Reynolds, Shanklin, Stanfield, Staton, Struble, Sumner, Wells, and Withers—21.

No quorum voted.

Mr. Stanfield moved the House adjourn until to-morrow morning 9 o'clock;

Which motion did not prevail.

On motion by Mr. Manson,

A call of the House was ordered.

The clerk proceeded to the call, when the following members answered to their names:

Messrs. Barker, Beane, Beeson, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Crawford, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gunn, Hanna, Hart, Hay of Clark, Henry, Hicks,

Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, King, Lavery, Lawrence, Leviston, Lewis, Lindsey of Fayette, Linsday of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McConnell, McDonald, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Smith of Marion, Stanfield, Staton, Stevens, Stover, Struble, Sumner, Sweet, Taggart, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—74.

On motion by Mr. Withers,
A further call of the House was suspended.
The question being put on the adoption of the resolution,
The ayes and noes were demanded by Messrs. Doughty and Graham.

Those who voted in the affirmative were,

Messrs. Barker, Beane, Beeson, Buskirk, Chowning, Crawford, Dobson, Donham, Eccles, Foster, Geddes, Gibson, Hanna, Hay of Clark, Henry, Hudson, Huey, Kent, Lavery, Leviston, Lewis, Lindsey of Fayette, Major, Manson, Marrs, McAllister, McConnell, Morris, Mudget, Nelson, Owen, Porter, Smith of Marion, Stevens, Stover, Sweet, Taggart, Torbet, Williams, Wilson, and Mr. Speaker—41.

Those who voted in the negative were,

Messrs. Cockrum, Davis of Franklin, Dice, Douthit, Hart, Huffstetter, Humphreys, Hunt, Lawrence, Litchfield, Mayfield, Ray, Reynolds, Stanfield, Staton, Struble, Sumner, Watson, Wells, and Withers—20.

No quorum voted.

Messrs. Linsday of Howard, and Bryant withdrew their names.

Mr. Kent moved the House adjourn until to-morrow morning, 6 o'clock.

Which motion did not prevail.

The question being on the adoption of the resolution offered by Mr. King, as amended,

The call for the ayes and noes was withdrawn.

And the question being put,

It was decided in the negative.

Mr. King moved that when this House adjourns, it adjourn to meet to-morrow morning, 9 o'clock.

Mr. Hay of Clark, moved to amend the motion, by inserting six o'clock, A. M.

The question being put on adjourning until 9 o'clock,

It was disagreed to.

The question then being, that when this House adjourns, it adjourn to meet on to-morrow morning at six o'clock,
And being put,
It was decided in the affirmative.

On motion by Mr. Barker,

Resolved, That the Door-keepers of this House be allowed, at the rate of three dollars a day, and the Treasurer of State, on the warrant of the Speaker, be authorized to pay them for their services, up to the present time.

On motion by Mr. Dobson,

Resolved, That the joint committee on Revision be instructed to inquire into the expediency of providing, in the law in relation to the duty of sheriffs, "that it shall be the duty of the sheriffs of the several counties in the State, to make an exhibit of all papers and moneys in their hands, connected with their official duties, to the judge of the circuit court, on the first day of the term, at least once in each year."

On motion by Mr. Smith of Marion,

The following message from the Senate was taken up and considered :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House without amendment:

No. 182. Entitled a bill to raise a revenue for State purposes for the year 1852.

Also, that the Senate has passed the following engrossed bill of the House with the accompanying engrossed amendments of the Senate thereto :

No. 152. Entitled a bill authorizing the State Librarian to contract for re-covering the State House with tin; also for the re-painting of the outside woodwork, and the necessary plastering to the same.

Also, engrossed bill of the House No. 159, with the accompanying engrossed amendments of the Senate thereto :

Entitled an act to so modify an act entitled "an act to incorporate the city of Indianapolis, as to make all officers of said city elective by the people."

In which the concurrence of the House is respectfully requested.

Mr. Smith of Marion moved to concur in the engrossed amend-

ments of the Senate to bill No. 182, contained in the foregoing message, with the following amendment:

Insert after the words "roofing materials," the words "or Boston sheet paper."

The question being put upon concurring in the engrossed amendments of the Senate with the amendment;

It was decided in the affirmative.

Ordered that the Clerk inform the Senate thereof.

On motion by Mr. Kent,

Bill No. 159 and the pending amendments of the Senate thereto, were laid on the table.

On motion by Mr. Hart,

The following message from the Senate was taken up and considered:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed joint resolutions thereof:

No. 102. Entitled a joint resolution memorializing Congress to pass an act placing assistant surgeons appointed by commanding officers of the U. S. Army, during the war with Mexico, on the same footing as to bounty land and extra pay as regularly commissioned surgeons.

Also,

No. 106. Entitled a joint resolution suspending the operation of the 2d section of an act entitled an act providing a remedy for the illegal reduction of real estate in the several counties of this State, and also the 1st section, as far as county revenue is concerned.

In which the concurrence of the House is respectfully requested.

Joint resolution No. 106, contained in the foregoing message, was read a first time.

Mr. Hart moved to suspend the rule and read the joint resolution a second time now;

Which was disagreed to.

The joint resolution was ordered to a second reading.

Joint resolution No. 102, contained in the foregoing message, was read a first time, and ordered to a second reading.

On motion by Mr. Gibson,

House bill No. 159. A bill to modify an act to incorporate the

city of Indianapolis, as to make all officers elective by the people, with the pending amendments;

Was taken from the table, and the engrossed amendments of the Senate were concurred in.

Ordered that the Clerk inform the Senate thereof.

By unanimous consent of the House,

Mr. Smith of Spencer obtained leave and presented the petition relative to the organization of a new county, to be formed from the counties of Perry and Spencer.

Which,

On motion,

Was referred to the Judiciary committee.

Mr. Wells obtained leave and presented the memorial of sundry citizens of Jackson county, on the subject of temperance;

Which,

On motion,

Was referred to the committee on Temperance without reading.

By the unanimous consent of the House,

Mr. Hay of Clark was permitted to record his vote on the question of the adoption of the resolution by which both branches of this General Assembly agreed to adjourn from the 10th inst., to meet again on the 20th of April next.

Mr. Hay voted in the negative.

The committee of ladies appointed by the Social Order of Temperance, through Mr. Doughty, presented a memorial on the subject of temperance;

Which, having been read,

On motion by Mr. Lewis,

Was referred to the committee on Temperance.

Mr. Douthit offered the following resolution:

Resolved, (If the Senate concur,) that the joint committee of Revision, to remain during the recess, be directed to meet daily at 9 o'clock, call a roll of its members, note absentees, publish such absentees daily in the daily newspapers of the city, keep a journal of its proceedings, and report to both Houses when they convene again; and that Messrs. Bryant and Lindsay of Howard be added to said committee, and that said joint committee be authorized to employ a clerk.

On motion by Mr. McDonald,

The resolution was indefinitely postponed.

A message from the Governor, by Mr. King, Executive messenger:

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives that he has approved and signed the following bills, to-wit:

No. 112. An Act to authorize the formation of companies for the detection and apprehension of horse thieves and other felons, and defining their powers.

No. 138. An act providing for the incorporation of bridge companies.

No. 56. An act making general provisions concerning courts of justice, and the powers and duties of judicial officers, &c.

No. 122. An act to provide for the organization of county boards, and defining their powers and duties.

No. 175. An act authorizing the circuit court of Clinton county to sit two weeks, if the business shall require it.

No. 182. An act to raise a revenue for State purposes for the year 1852.

No. 190. An act providing for the erection of buildings appertaining to the State Prison.

Which bills originated in the House.

Mr. Smith of Marion, chairman of the committee on Enrolled bills, made the following report:

MR. SPEAKER:

The committee on Enrolled bills, have compared the following enrolled with the engrossed bill of the House of the corresponding number, and find the same correctly enrolled:

No. 190. An act providing for the erection of buildings appertaining to the State prison.

Whereupon, the Speaker signed the same.

Ordered that the Clerk inform the Senate thereof.

Mr. Wilson, from the committee on Engrossed bills, made the following report:

MR. SPEAKER:

The committee on Engrossed bills, have examined House bills Nos. 183, 184, 177, 147 and 159, and find them correctly engrossed.

Mr. Lavery, from the joint committee on Enrolled bills, made the following report:

MR. SPEAKER :

The joint committee on Enrolled bills have this day presented to the Governor, for his approval, enrolled bill of the House No. 190.

Mr. Laverty, from the joint committee on Enrolled bills, made the following report:

MR. SPEAKER :

The joint committee on Enrolled bills have this day presented to the Governor, for his approval, enrolled bills of the House numbered 175 and 182.

Mr. Laverty, from the joint committee on Enrolled bills, made the following report:

MR. SPEAKER :

The joint committee on Enrolled bills have this day presented to the Governor, for his approval, enrolled bills of the House numbered 56, 112, 122 and 138.

Mr. Smith of Marion, chairman of the committee on Enrolled Bills, made the following report:

MR. SPEAKER :

The committee on Enrolled bills have compared the following enrolled with the engrossed bills of the House of the corresponding numbers, and find them correctly enrolled:

No. 182. An act to raise a revenue for State purposes for the year 1852.

No. 175. An act authorizing the circuit court of Clinton county to sit two weeks, if the business shall require it.

Whereupon, the Speaker signed the same.

Ordered that the Clerk inform the Senate thereof.

A message from the Senate by Mr. Dunn, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the resolution of the House, dispensing with the election of one committee man on the revision during the recess.

On motion by Mr. Beeson,
The House adjourned.

WEDNESDAY MORNING, 6 o'clock, }
 March 10th, 1852. }

The House met.

On motion by Mr. Nelson,
 The reading of the Journal was dispensed with.

On motion by Mr. Kent,
 A call of the House was ordered.

The clerk proceeded to the call, when the following members answered to their names, viz:

Messrs. Barker, Beane, Beeson, Bryant, Bulla, Carpenter, Chowning, Crawford, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Donham, Doughty, Douthit, Eccles, Geddes, Graham, Gunn, Hanna, Hart, Hay of Clark, Henry, Huey, Huffstetter, Hunt, Kent, King, Laverty, Lawrence, Leviston, Lindsey of Fayette, Linsday of Howard, Litchfield, Manson, Marrs, McAllister, McConnell, Morris, Mudgett, Nelson, Porter, Ray, Reynolds, Schoonover, Shanklin, Smith of Spencer, Smith of Marion, Staton, Stover, Struble, Sumner, Sweet, Taggart, Torbet, Wells, Wilson, Withers, and Mr. Speaker.

On motion by Mr. Stover,
 The further call of the House was suspended.
 A message from the Senate by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the engrossed amendment of the House to engrossed amendment of the Senate to engrossed bill of the House

No. 152, entitled "a bill authorizing the State Librarian to contract for re-covering the State House with tin, &c."

Mr. Smith of Marion, chairman of the committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The committee on Enrolled Bills have compared the following en-

rolled with the engrossed bill of the House of the corresponding number, and find the same correctly enrolled:

No. 159. An act providing for the election of town and city officers, and prescribing the qualifications of voters in such elections.

Whereupon the Speaker signed the same.

Ordered that the Clerk inform the Senate thereof.

By the consent of the House,

Mr. Smith of Marion obtained leave and introduced the following resolution:

Resolved, That, the Senate concurring, John Harrington, the assistant to the State Librarian, Governor, and Law Commissioners, be allowed three dollars per day while the Legislature is in session.

Mr. Manson moved to amend the resolution by adding "the reporters of this House."

Mr. Davis of Franklin moved to lay the resolution and amendment on the table;

Which motion prevailed.

Mr. Davis of Franklin moved that the members who have come into the Hall since the call of the roll, have leave to record their names;

Which motion prevailed.

Mr. Manson moved to take from the table the resolution offered by Mr. Smith of Marion;

Which was decided in the negative.

A message from the Governor, by Mr. King, Executive Messenger:

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives that he has approved and signed the following bill, to-wit:

No. 159. An act providing for the election of town and city officers, and prescribing the qualifications of voters in such elections;

Which bill originated in the House.

Mr. Manson obtained leave and introduced the following resolution:

Resolved, That, the Senate concurring, John Harrington, the assistant to the State Librarian, Governor, and Law Commissioners, be allowed two dollars per day, while the Legislature is in session.

Mr. Hart moved to strike out "two" and insert "three;"

Which motion prevailed.

The resolution as amended was adopted.

Mr. McDonald, chairman of a select committee, made the following report:

MR. SPEAKER :

The select committee, to whom was referred House bill No. 155, with the pending amendments, have directed me to report the same back without amendment, for the further action of the House.

Which report was concurred in.

Mr. Bryant, chairman of the committee on the Rights and Privileges of the Inhabitants of the State, made the following report:

MR. SPEAKER :

The committee on Rights and Privileges, to whom were referred Senate bill No. 6 with a pending amendment, also Senate bill No. 70 with a pending amendment, have directed me to report the same back without amendment, for the further action of the House.

Which report was concurred in.

Mr. Bryant, chairman of the committee on the Rights and Privileges of the Inhabitants of the State, made the following report:

MR. SPEAKER :

The committee on the Rights and Privileges of the Inhabitants of the State, to whom was referred House bill No. 45 with instructions, have directed me to report the same back without amendment, for the further action of the House.

Which report was concurred in.

A message from the Senate by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate refuse to recede from their engrossed amendments to engrossed bill of the House

No. 62, entitled "an act for the limitation of civil actions, and for the limitation of liens of judgments upon real estate."

The bill contained in the above message together with the engrossed amendments of the Senate, was referred by resolution to the select joint committee on Revision.

A message from the Senate, by Mr. Dunn, their Secretary :

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House with the accompanying engrossed amendments of the Senate thereto:

No. 79, entitled "an act authorizing the construction of plank, McAdamized and gravel roads."

In which the concurrence of the House is respectfully requested.

The bill contained in the above message, together with the engrossed amendments of the Senate thereto,

Was referred by resolution to the select joint committee on Revision.

A message from the Senate, by Mr. Dunn, their Secretary :

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill thereof:

No. 111, entitled "a bill to provide for the sale of the north-west quarter of section twenty-six in township one, north of range five west, in Dubois county, the same having been reserved as saline lands."

Also, No. 114, entitled "a joint resolution in relation to declaring the bridge over the Ohio River at Wheeling, Virginia, a post route."

Also, No. 105, entitled "a bill to enable the county commissioners of the several counties to borrow money for the purpose of erecting and completing court houses, jails, and other county buildings."

In which the concurrence of the House is respectfully requested.

The bills contained in the foregoing message were referred, by resolution, to the select joint committee on Revision.

A message from the Senate by Mr. Dunn, their Secretary :

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill thereof:

No. 64, entitled "a bill authorizing any company heretofore organized under the provisions of any general or special law of this State, for the purpose of constructing a plank, turnpike, gravel, McAdamized or coal road, to construct a railroad instead of such

plank, turnpike, gravel, McAdamized or coal road, and prescribing the manner in which such change may be made."

Also, the following engrossed joint resolution thereof:

No. 108, entitled "a joint resolution on the subject of suppressing small bank notes."

In which the concurrence of the House is respectfully requested.

The bills contained in the foregoing message were referred to the select joint committee on Revision.

A message from the Senate by Mr. Dunn, their Secretary:

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed joint resolution thereof:

No. 112, entitled "a joint resolution for the purpose of opening a correspondence with the Executive of Ohio regarding the appraisement and taxation of personal property."

In which the concurrence of the House is respectfully requested.

The joint resolution contained in the foregoing message was referred, by resolution, to the select joint committee on Revision.

Under a resolution offered by Mr. Williams and adopted on the 9th inst, to-wit :

Resolved, That all bills introduced into this House during this session, not indefinitely postponed, be referred to the select joint committee on Revision, and that the Clerk of this House is hereby required to give to said committee access to the Journals, bills and other papers in his charge ;

The following bills of the House were taken from the table and referred to the select joint committee on Revision :

No. 58. A bill providing for laying out, opening, working on, changing and vacating highways, the erection of bridges, the officers entrusted with the care and superintendence of highways and bridges, of the election or appointment and duties of supervisors, and other miscellaneous provisions relating to highways ;

Together with the pending amendments thereto.

No. 59. A bill to provide for the incorporation of railroad companies ;

Together with the pending amendments thereto.

No. 72. A bill for the incorporation of county libraries.

No. 74. A bill regulating interest upon contracts.

No. 99. A bill relating to prosecuting attorneys in the 4th and 8th judicial circuits.

No. 121. A bill to establish a Normal Department of Indiana University, for the education, free of charge, of male and female teachers of common schools.

No. 123. A bill to establish circuit courts, and define the powers and duties of the judges and officers of such courts;

Together with the pending amendments thereto.

No. 116. A bill to establish at the seat of government Law and Medical branches of the State University;

Together with the pending amendments thereto.

No. 137. A bill to provide for a general and uniform system of common schools, providing for the election and defining the duties of township trustees, circuit superintendents and State Superintendent of Public Instruction, providing for the custody and sale of school lands, the loaning of school funds, and the distribution thereof; the powers of the qualified voters of the township; of the powers and duties of incorporated cities and towns in relation to schools; of the duties of teachers and the evidence of their qualifications; for township school libraries and the custody and management thereof; for taxes in aid of school funds, and for the establishment of township libraries; defining the duties of county auditors and treasurers, and of the Auditor and Treasurer of State; in relation to school funds and township libraries; compensation of officers; and liability thereof for neglect of duty; duties of county commissioners and school commissioners; for a State Board of Education and the duties thereof; of the division of the State into school circuits; of the qualifications of voters in school corporations and their powers.

No. 143. A bill to provide for the punishment of offences against the right of suffrage.

No. 148. A bill regulating the office of county auditor.

No. 149. A bill to prefix to volumes of legislative enactments hereafter published the names and residence of the Governor, Lieutenant Governor, Senators, Members of the Assembly and presiding officers of both Houses in office at the time of the passage of such laws.

No. 161. A bill to regulate the interest on money in the State of Indiana.

No. 163. A bill to provide for the re-location of county seats.

No. 169. A bill regulating descents and the apportionment of estates.

Also, joint resolution of the House

No. 9. A joint resolution in relation to newspaper postage;

Together with the engrossed amendments of the Senate, and pending amendment of the House thereto.

Also, the following bills that were lost on their passage for want of a constitutional vote, were referred to the select joint committee on Revision:

No. 14. A bill for the subscription to and preservation of the public newspapers printed in the several counties of this State.

No. 46. A bill to provide for the subscription, by the State Librarian, for one copy annually of each of the public newspapers published in this State, and for the binding thereof.

No. 47. A bill providing for making out and printing a catalogue of the books in the State Library.

No. 87. A bill to authorize the Auditor, Secretary and Treasurer of State to sell lots numbered 4, 5 and 6, in square No. 47, in the city of Indianapolis, known as the Governor's house, and all the household and personal property belonging to the same owned by the State.

No. 108. A bill regarding the administration of estates of the value of five hundred dollars or less.

Bill of the Senate No. 33. A bill to prohibit the making distress for rent by warrant.

Joint resolution of the House No. 17. A joint resolution in relation to the improvement of the navigation of the Patoka, the east fork of White River, and Laughery creek in Ripley county.

Also, the following bill of the House, the consideration of which was postponed until the 22d of April:

No. 173. A bill to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and the Treasurer and Auditor of State.

Also, the following House bill on its passage:

No. 172. A bill concerning crimes and punishment and proceedings in criminal cases.

Also, the following House bills on their third reading:

No. 147. A bill to regulate the traffic in intoxicating liquors, and for the prevention and remedy of the evils arising therefrom.

No. 183. A bill relative to the acknowledgment and recording of deeds heretofore made and recorded.

No. 184. A bill to authorize railroad companies to bridge navigable streams.

No. 177. A bill to provide for equalizing the appraisment for taxation of the real property in the State of Indiana.

Also, the following Senate bill on its third reading:

No. 79. A bill to provide for the appointment of a commissioner to superintend the fencing of the Tippecanoe battle ground.

Also, Senate joint resolution on its third reading:

No. 8. A joint resolution on the subject of the three per cent. fund.

Also, the following House bills on their second reading:

No. 185. A bill to amend the first section of an act entitled an act for the relief of certain persons therein named.

No. 186. An act in relation to electric telegraph companies, their duties and liabilities.

No. 187. A bill to exempt the stocks of railroads, turnpike roads, plank roads, canals and public improvements from taxation until a part of the same shall be completed and in operation.

No. 188. A bill fixing the per diem pay of members of the Legislature.

No. 189. An act for the regulation of the General Assembly, enforcing the attendance of the members thereof, and declaring vacant the seats of those members who absent themselves without leave.

No. 191. A bill to amend the third section of an act entitled "an act to incorporate the White River Navigation Company," approved February 13th, 1851, and to extend the rights and privileges of said company.

No. 192. A bill to provide for the election of a State Librarian, and defining the duties of the office, and regulating the affairs of the State Library.

Also, joint resolution of the House on its second reading:

No. 27. A joint resolution relative to bounty lands.

Also, the following joint resolutions of the Senate, on their second reading:

No. 102. A joint resolution memorializing Congress to pass an act placing assistant surgeons appointed by commanding officers of the army during the war with Mexico on the same footing as to bounty land and extra pay as regularly commissioned surgeons.

No. 106. A joint resolution suspending the operation of the second section of an act entitled "an act providing a remedy for the illegal reduction of real estate in the several counties of this State;" and also the first section so far as county revenue is concerned.

Also, House bill on its engrossment :

No. 155. A bill to provide for the regulation of the running at large of all kinds of animals within the different townships in the different counties of the State, and to provide for the taking up, impounding and selling of all such animals as shall not be allowed by law to run at large.

Also, bill of the House on its engrossment:

No. 45. A bill to prohibit negroes and mulattoes from coming into the State of Indiana, and for registering of such as are entitled to reside therein, and to prevent contracts with negroes and mulattoes not entitled to such residence.

Also, the following Senate bills, on their third reading :

No. 6. A bill to enforce the provisions of article thirteen of the Constitution of Indiana.

No. 70. A bill providing for the colonization of negroes and mulattoes, and their descendants; constituting a State Board of Colonization, declaring the duties of said Board, and State Treasurer and county treasurer in relation thereto.

On motion by Mr. Carpenter,
The House adjourned to meet again on the 20th April next.

TUESDAY MORNING, 9 o'clock, }
April 20, 1852. }

The House met.

The Journal of the 10th of March was read.

The Hon. Thomas C. W. Sale, member elect from the county of Vermillion, to supply the vacancy of the Hon. Henry Hostetter, deceased, appeared within the Hall, produced his credentials, and being sworn by the Speaker, took his seat.

Mr. Nelson announced the death of the Hon. Joseph W. Holliday of Blackford county; when,

By the unanimous consent of the House,

Mr. Nelson offered the following resolutions:

Resolved, That this House has learned, with deep regret, the decease, during the recess, of the Hon. J. W. Holliday, of Blackford county, a member of this House.

Resolved, That we sincerely sympathize with the widow and bereaved family of the deceased, under this afflicting dispensation, and tender to them the expression of our condolence.

Resolved, That the members of this House, in token of respect for the memory of the deceased, will wear the usual badge of mourning for the space of thirty days.

Resolved, That the Speaker of this House forward to the bereaved widow and friends of the deceased a copy of the above resolutions.

Resolved, That the Senate be respectfully requested to concur in the foregoing resolutions.

Resolved, That, in further token of respect, this House do now adjourn.

Which were unanimously adopted.

The House then adjourned.

2 o'clock, P. M.

The House met.

Mr. Smith of Marion announced that Hon. George S. Howell, the member elected from the county of Blackford, to supply the vacancy occasioned by the decease of Joseph W. Holliday, was present.

Mr. Howell produced his credentials, and being sworn by the Speaker, took his seat.

The clerk proceeded to the call of the House under the rule, when the following members answered to their names, viz:

Messrs. Barker, Beach, Behm, Brady, Bryant, Buskirk, Carpenter, Cockrum, Cowgill, Crawford, Cromwell, Davis of Sullivan, Dobson, Donham, Doughty, Douthit, Eccles, Foster, Gibson, Gookins, Graham, Gunn, Hart, Hay of Clark, Henry, Hicks, Holman, Howell, Hudson, Huffstetter, Hunt, King, Laverty, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Major, Marrs, Mayfield, McAllister, McDowell, Morris, Nelson, Owen, Porter, Ray, Reynolds, Sale, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stover, Struble, Suit, Taggart, Thompson, Torbet, Walker, Watson, Wells, Wilson, Withers, and Mr. Speaker—66.

There being no quorum present,
 On motion by Mr. Nelson,
 A call of the House was ordered.

The Clerk proceeded with the call, when the following members answered to their names:

Messrs. Barker, Beach, Behm, Brady, Bryant, Buskirk, Carpenter, Cockrum, Cowgill, Crawford, Cromwell, Davis of Sullivan, Dobson, Donham, Doughty, Douthit, Eccles, Foster, Gibson, Gookins, Graham, Gunn, Hart, Hay of Clark, Henry, Hicks, Holman, Howell, Hudson, Huffstetter, Hunt, King, Lavery, Leviston, Lewis, Lindsey of Fayette, Linsday of Howard, Major, Marrs, Mayfield, McAllister, McDowell, Morris, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Sale, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stover, Struble, Stuart, Suit, Taggart, Thompson, Torbet, Walker, Watson, Wells, Wilson, Withers, and Mr. Speaker—67.

On motion by Mr. Suit,
 The call of the House was suspended.

On motion by Mr. Smith of Marion,
 Leave of absence was granted Mr. Stevens, on the account of the sickness of his family.

On motion by Mr. Nelson,
 Mr. Litchfield obtained leave of absence, on the account of the sickness of his family.

On motion by Mr. Lewis,
 All the absentees were excused until to-morrow morning, and that the publication of the list of members absent without leave of the House, required by the rule, be suspended till the same period.

PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Morris:

The temperance memorial of sundry citizens of Henry county;
 Which,

On motion,
 Was referred to the committee on Temperance.

REPORTS FROM COMMITTEES.

Mr. Owen, from the joint select committee on Revision, made the following report:

MR. SPEAKER:

The joint select committee on Revision, to whom were referred

joint resolutions of the Senate Nos. 8, 102, 108, 112, 114 and 106, and joint resolutions of the House Nos. 9, 17, and 27, report the same back without revision or recommendation, and respectfully ask to be discharged from their further consideration.

SENATE BILLS ON THIRD READING.

No. 8. A joint resolution on the subject of the three per cent. fund;

Was read a third time.

On motion by Mr. Gibson,

The joint resolution was laid on the table.

SENATE BILLS ON SECOND READING.

No. 102. A joint resolution memorializing Congress to pass an act placing assistant surgeons, appointed by commanding officers of the U. S. army during the war with Mexico, on the same footing, as to bounty land and extra pay, as regularly commissioned surgeons;

Was read a second time, and ordered to a third reading.

SENATE BILLS ON FIRST READING.

No. 108. A joint resolution on the subject of suppressing small bank notes;

Which was read a first time and passed to a second reading.

No. 112. A joint resolution for the purpose of opening a correspondence with the Executive of Ohio regarding the assessment and taxation of personal property;

Which was read a first time and passed to a second reading.

No. 114. A joint resolution in relation to declaring the bridge over the Ohio River at Wheeling, Virginia, a post route;

Was read a first time and passed to a second reading.

SENATE BILLS ON SECOND READING.

No. 106. A joint resolution suspending the operation of the 2d section of an act entitled an act providing a remedy for the illegal reduction of real estate in the several counties of this State; as also the 1st section so far as county revenue is concerned;

Was read a second time.

On motion by Mr. Gookins,

The joint resolution was referred to the committee on Ways and Means.

HOUSE BILLS.

No. 9. A joint resolution in relation to newspaper postage;

The question pending being on concurring in the engrossed amendment of the Senate,

On motion by Mr. Torbet,

The joint resolution was laid on the table.

No. 17. A joint resolution in relation to the improvement of the navigation of the Patoka, the east fork of White River, and Laughery creek, in Ripley county.

On motion by Mr. McDowell,

The joint resolution was laid on the table.

HOUSE BILLS ON SECOND READING.

No. 27. A joint resolution relative to bounty lands;
Was read a second time, and ordered to be engrossed.

Mr. Owen, from the joint select committee on Revision, made the following report:

MR. SPEAKER:

The joint committee on Revision, to whom was referred Senate bill No. 93, to provide for the payment of the public debt of the State, report the same back, recommend its passage, and ask to be discharged from the further consideration of the subject.

Bill No. 93, contained in the foregoing report, was ordered to a third reading.

Mr. Owen, from the joint select committee on Revision, made the following report:

MR. SPEAKER:

The joint committee on Revision, to whom was referred Senate bill No. 6—a bill to enforce the provisions of article thirteen of the Constitution of Indiana—report the same back, with a recommendation that it lie on the table, inasmuch as they have already reported a House bill on the same subject and recommend its passage.

Which report was concurred in.

Mr. Owen, from the joint select committee on Revision, made the following report:

MR. SPEAKER:

The joint committee on Revision, to whom was referred House bill No. 45—to prohibit negroes and mulattoes from coming into the State—report the same back with an additional section, and with the recommendation that one section be stricken out, and that the title be changed so as to read “a bill to enforce the provisions of article thirteen of the Constitution of Indiana;” and with these amendments they recommend its passage, and ask to be discharged from the further consideration of the subject.

Insert after section 7 the following:

SEC. 8. If any person shall execute to any negro or mulatto, coming into the State, after the date aforesaid, or to any person in trust for such negro or mulatto, any conveyance of lands or any interest therein, the said lands shall be forfeited to the State, and shall thenceforth constitute a part of the Colonization Fund.

Strike out the last section of the bill.

On motion by Mr. Gookins.

The bill and amendments contained in the foregoing report, were laid on the table, and ordered to be printed.

Mr. Owen, from the joint select committee on Revision, made the following report:

MR. SPEAKER:

The joint committee on Revision, to whom was referred the subject, have instructed me to report a bill concerning mortgages, and to recommend its passage:

No. 193. An act concerning mortgages;

Which was read a first time, and passed to a second reading.

Mr. Owen, from the joint select committee on Revision, made the following report:

MR. SPEAKER:

The joint select committee on Revision, to whom was referred the subject, have instructed me to report

No. 194, a bill concerning real property and the alienation thereof; And to recommend its passage.

Bill No. 194, contained in the foregoing report, was read a first time, and passed to a second reading.

Mr. Stover, from the joint select committee on Revision, made the following report:

MR. SPEAKER:

The joint select committee on Revision, to whom was referred the subject, have instructed me to report

No. 195, a bill "dividing the State into counties, and defining their boundaries, and defining the jurisdiction of such as border on the Ohio and Wabash rivers;"

And to recommend its passage.

Mr. Stover moved to suspend the rule, and read the bill a first time by its title;

And the question being put,

Those who voted in the affirmative were,

Messrs. Barker, Beach, Brady, Bryant, Buskirk, Carpenter, Chowning, Cowgill, Crawford, Dobson, Doughty, Eccles, Foster, Gibson, Gookins, Hart, Hay of Clark, Holman, Howell, Hudson, Huffstetter, Hunt, King, Lavery, Leviston, Major, McAllister, Morris, Nelson, Owen, Ray, Schoonover, Smith of Marion, Stover, Struble, Stuart, Suit, Taggart, Torbet, Williams, Wilson, and Mr. Speaker—42.

Those who voted in the negative were,

Messrs. Behm, Cockrum, Cromwell, Davis of Sullivan, Donham, Douthit, Graham, Gunn, Hanna, Henry, Hicks, Lewis, Lindsey of Fayette, Lindsay of Howard, Marrs, Mayfield, McDowell, Porter, Reynolds, Sale, Shanklin, Smith of Spencer, Staton, Sweet, Thompson, Walker, Watson, Wells, and Withers—29.

So the rule was not suspended.

Mr. Lewis moved to reconsider the vote just taken;

Which was agreed to.

The question then recurred on the suspension of the rule,

And being put;

Those who voted in the affirmative were,

Messrs. Barker, Beach, Brady, Buskirk, Carpenter, Chowning, Crawford, Dobson, Doughty, Gibson, Gookins, Hay of Clark, Holman, Howell, Huffstetter, Hunt, Lavery, Leviston, Lewis, Major, McAllister, Morris, Nelson, Owen, Ray, Schoonover, Smith of Ma-

rion, Stover, Struble, Stuart, Suit, Taggart, Torbet, Williams, Wilson, and Mr. Speaker—36.

Those who voted in the negative were,

Messrs. Behm, Bryant, Cockrum, Cowgill, Cromwell, Davis of Sullivan, Donham, Douthit, Eccles, Foster, Graham, Gunn, Hanna, Hart, Henry, Hicks, Hudson, King, Lindsey of Fayette, Lindsay of Howard, Marrs, Mayfield, McDowell, Porter, Reynolds, Sale, Shanklin, Smith of Spencer, Staton, Sweet, Thompson, Walker, Watson, Wells, and Withers—35.

So the rule was not suspended.

The bill was then read a first time, and passed to a second reading. By unanimous consent of the House, Mr. Nelson introduced

No. 196. A bill to regulate the tariff of tolls on the Wabash and Erie Canal;

Which was read a first time and passed to a second reading.

By unanimous consent of the House, Mr. Smith of Marion obtained leave and introduced

No. 197. A bill explanatory to the act entitled "an act providing for the election of town and city officers, and prescribing the qualification of voters in such elections," approved March 10, 1852, and to provide for filling vacancies in the office of councilmen or trustee:

Which was read a first time, and passed to a second reading.

By unanimous consent of the House, Mr. Holman obtained leave and submitted the following preamble and resolution:

WHEREAS, The Commissioners appointed to revise, simplify and abridge the rules, practice, pleadings and forms of the courts of justice, &c., have prepared and are ready to report a large portion of the "code of practice," &c., but will be unable to make a final report thereof until a future day of the session; and

WHEREAS, It is important that said code should be laid before the members of this House at the earliest moment, printed in open form, for examination; therefore,

Resolved, That said Commissioners furnish to the State Printer the manuscript pages of said code, so far as completed, and the resi-

due thereof so soon as completed ; and that one thousand copies of the same be printed in open form under the direction of the committee on Public Printing, for the use of the members of this House and of the Senate.

Mr. Doughty moved to amend the resolution by striking out "1000" and insert "500;"

And the question being put,

It was decided in the affirmative by the sound.

A division was called—affirmative 31, negative 27.

No quorum voted.

On motion,

The House adjourned.

WEDNESDAY MORNING, 9 o'clock, }
April 21st, 1852. }

The House met.

The Journal of the preceding day was read.

Mr. King moved to suspend the call of the roll :

Which was not agreed to.

The Clerk proceeded with the call, when the following members answered to their names, viz:

Messrs. Barker, Beach, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donham, Doughty, Douthit, Eccles, Foster, Gibson, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Helmer, Henry, Hicks, Holman, Howell, Hudson, Huffstetter, Hunt, King, Laverty, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Major, Marrs, Mayfield, McAllister, Miller, Morris, Nelson, Owen, Porter, Ray, Reynolds, Sale, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers and Mr. Speaker.

On motion by Mr. Suit,
Mr. Stanfield obtained leave of absence on account of the sickness of his family.

On motion by Mr. Owen,
Mr. Kent obtained leave of absence on account of sickness.

On motion by Mr. Hudson,
Mr. Glazebrook obtained leave of absence on account of sickness.

On motion by Mr. Hanna,
Mr. Hays of White obtained leave of absence on account of sickness.

On motion by Mr. Porter,
Mr. Spencer obtained leave of absence on account of sickness.

On motion by Mr. Wilson,
Mr. Huey obtained leave of absence, on the account of the sickness of his family.

Mr. Doughty moved to excuse all the absentees;

Which was not agreed to.

The following members were absent without leave of the House, viz:

Messrs. Beane, Beeson, Donaldson, Geddes, Holladay, Humphreys, Lawrence, Manson, McConnell, McDonald, Mudget, and Scudder.

The Speaker laid before the House the following communication from the Door-keeper:

HON. WM. H. ENGLISH,

Speaker of the House of Representatives:

Please lay before the House the following communication.

G. W. PATTERSON,

Door-keeper.

In obedience to a resolution of the House, I have taken into custody Hon. Wm. S. Holman, member of this House from the county of Dearborn, and have him within the bar.

G. W. PATTERSON,

Door-keeper.

On motion by Mr. King,
Mr. Holman was excused without a fine.

PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Smith of Spencer:

A petition from sundry citizens of the counties of Perry and Spencer, in relation to the organization of a new county ;

Which,

On motion,

Was referred to the committee on the Judiciary.

By Mr. Williams :

A memorial from 35 ladies of Knox county on the subject of temperance :

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. McDowell :

Five memorials of sundry citizens of Wells county, on the subject of temperance ;

Which,

On motion,

Were referred to the committee on Temperance.

By Mr. Shanklin :

Three memorials of sundry citizens of Madison county, praying the passage of an act similar to the Maine liquor law ;

Which,

On motion,

Were referred to the committee on Temperance.

REPORTS FROM COMMITTEES.

Mr. Owen, from the joint select committee on Revision, made the following report :

MR. SPEAKER :

The select joint committee on Revision, to whom was referred the subject, have instructed me to report

No. 198. A bill concerning the accumulation, suspension of ownership, and joint tenancy of personal property ;

And to recommend its passage.

Which bill was read a first time, and passed to a second reading.

Mr. Gibson, from the joint select committee on Revision, made the following report :

MR. SPEAKER :

The select joint committee on Revision, to whom was referred the subject, have instructed me to report

No. 199. A bill providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers, and duties in civil cases;

And to recommend its passage.

Which bill was read a first time.

Mr. Suit moved to suspend the rule and read the bill a second time by its title;

And the question being put,

Those who voted in the affirmative were,

Messrs. Barker, Beach, Brady, Bryant, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donham, Doughty, Douthit, Eccles, Foster, Gibson, Gookins, Gunn, Hanna, Hart, Hay of Clark, Helmer, Henry, Holman, Howell, Huffstetter, Hunt, Lavery, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Major, Marrs, Mayfield, McAllister, Morris, Nelson, Owen, Porter, Ray, Reynolds, Sale, Schoonover, Shanklin, Smith of Marion, Staton, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—66.

Those who voted in the negative were,

Messrs. Behm, Cromwell, Graham, Hicks, Hudson, Smith of Spencer, and Thompson—7.

So the rule was suspended, and the bill was read a second time by its title; when,

On motion by Mr. Suit,

The bill was laid on the table, and 150 copies ordered to be printed.

Mr. Gibson, from the select joint committee on Revision, made the following report:

MR. SPEAKER:

The joint select committee on Revision, to whom was referred the subject, have instructed me to report

No. 200. A bill prescribing the powers and duties of justices of the peace in State prosecutions;

And to recommend its passage.

Which bill was read a first time, and passed to a second reading.

Mr. Owen, from the joint select committee on Revision, made the following report:

MR. SPEAKER:

The joint select committee on Revision, to whom was referred the subject, have instructed me to report

No. 201. A bill regulating descents and the apportionment of estates;

And to recommend its passage.

Which bill was read a first time.

Mr. Stuart moved to suspend the rule and read the bill a second time by its title;

And the question being put,

Those who voted in the affirmative were,

Messrs. Barker, Beach, Brady, Bryant, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Davis of Sullivan, Dice, Dobson, Donham, Douthit, Eccles, Foster, Gibson, Gookins, Hart, Hay of Clark, Helmer, Henry, Holman, Howell, Huffstetter, Lavery, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Major, Marrs, Mayfield, McAllister, Morris, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Shanklin, Smith of Marion, Stover, Struble, Stuart, Suit, Sweet, Taggart, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—58.

Those who voted in the negative were,

Messrs. Behm, Cromwell, Davis of Franklin, Doughty, Graham, Gunn, Hicks, Hudson, McDowell, Miller, Sale, Staton, Sumner, and Thompson—14.

So the rule was suspended, and the bill read a second time by its title.

Mr. Stuart moved to refer the bill to the Judiciary committee;

And the question being put,

The ayes and noes were demanded by Messrs. Withers and Graham.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Behm, Buskirk, Carpenter, Cockrum, Cowgill, Cromwell, Davis of Franklin, Davis of Sullivan, Dobson, Douthit, Eccles, Foster, Gibson, Gookins, Graham, Gunn, Hart, Hay of Clark, Hicks, Holman, Howell, Hudson, Huffstetter, Lavery, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Marrs, McAllister, Miller, Owen, Ray, Reynolds, Sale, Schoonover, Smith of Marion, Smith of Spencer, Stuart, Suit, Thompson, Torbet, Walker, Watson, Wells, Williams, Withers, and Mr. Speaker—50.

Those who voted in the negative were,

Messrs. Brady, Bryant, Chowning, Crawford, Dice, Donham, Doughty, Hanna, Helmer, Henry, Lewis, Mayfield, McDowell, Morris, Nelson, Porter, Shanklin, Staton, Stover, Struble, Sumner, Sweet, Taggart, and Wilson—24.

So the bill was so referred.

RESOLUTIONS OF THE HOUSE.

The question pending at last adjournment, being on the proposition of Mr. Doughty to amend the resolution of Mr. Holman by striking out "1000," and insert "500" copies of the code of practice so far as completed;

After some debate,

Mr. Holman accepted the amendment proposed by Mr. Doughty.

The question recurred on the adoption of the resolution as amended, viz:

WHEREAS, The Commissioners appointed to revise, simplify and abridge the rules, practice, pleadings and forms of the courts of justice, &c., have prepared, and are ready to report a large portion of the "code of practice, &c.," but will be unable to make a final report thereof until a future day of the session; and

WHEREAS, It is important that said code should be laid before the members of this House at the earliest moment, printed in open form for examination; therefore,

Resolved, That said commissioners furnish to the State Printer the manuscript pages of said code so far as completed, and the residue thereof so soon as completed; and that five hundred copies of the same be printed in open form under the direction of the committee on Public Printing, for the use of the members of this House, and of the Senate.

Which was agreed to.

On motion by Mr. Withers,
The House adjourned.

2 o'clock, P. M.

The House met.

Mr. Gibson submitted the following resolution :

Resolved, The Senate concurring, that the Door-keeper of the House forthwith cause a good and efficient lightning rod to be placed on the State House, and the present rod and chain to be removed.

Mr. Brady moved to amend the resolution by adding "and sold by the Door-keeper ;"

Which was accepted by the mover.

The resolution as amended was then adopted.

Mr. Hanna submitted the following resolution :

Resolved, That the House will convene at 8 o'clock every morning during the remainder of this session of the Legislature.

Mr. Doughty moved to amend the resolution by striking out "8 o'clock" and insert "8½ o'clock ;"

And the question being put,

The ayes and noes were demanded by Messrs. Doughty and Hanna.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Behm, Buskirk, Davis of Sullivan, Dice, Doughty, Gookins, Goudy, Graham, Hart, Hay of Clark, Holman, Huffstetter, Hunt, King, Laverty, Lindsey of Fayette, Major, Mayfield, McDowell, Miller, Morris, Ray, Schoonover, Shanklin, Smith of Marion, Stover, Stuart, Suit, Torbet, Williams, and Mr. Speaker—33.

Those who voted in the negative were,

Messrs. Brady, Bryant, Carpenter, Chowning, Cockrum, Crawford, Cromwell, Davis of Franklin, Dobson, Donham, Douthit, Eccles, Foster, Gibson, Gunn, Hanna, Helmer, Henry, Hicks, Howell, Hudson, Lawrence, Leviston, Lindsay of Howard, Marrs, McAlister, Nelson, Owen, Porter, Reynolds, Sale, Staton, Struble, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, Wilson, and Withers—42.

So the amendment was not adopted.

The question then being put, on the adoption of the resolution,

The ayes and noes were demanded by Messrs. Smith of Marion and Brady.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Behm, Brady, Carpenter, Chowning, Cockrum, Crawford, Cromwell, Davis of Franklin, Dice, Dobson, Douthit, Eccles, Goudy, Graham, Hanna, Hart, Hay of Clark, Hicks, Holman, Howell, Hudson, Humphreys, Hunt, Lavery, Lawrence, Leviston, Lewis, Major, Mayfield, McAllister, Miller, Morris, Nelson, Owen, Reynolds, Sale, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stover, Struble, Taggart, Thompson, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—52.

Those who voted in the negative were,

Messrs. Bryant, Buskirk, Cowgill, Davis of Sullivan, Donham, Doughty, Foster, Gunn, Helmer, Henry, Huffstetter, King, Lindsey of Fayette, Lindsay of Howard, Manson, Marrs, McDowell, Porter, Ray, Schoonover, Stuart, Suit, Sumner, Sweet, Torbet, and Walker—26.

So the resolution was agreed to.

Mr. Holman moved to reconsider the vote just taken ;

And the question being put,

The ayes and noes were demanded by Messrs. Hudson and Douthit.

Those who voted in the affirmative were,

Messrs. Bryant, Buskirk, Cowgill, Cromwell, Davis of Sullivan, Donham, Doughty, Gibson, Gunn, Helmer, Henry, Holman, Huffstetter, Hunt, King, Lindsey of Fayette, Manson, Marrs, McDowell, Miller, Porter, Schoonover, Smith of Spencer, Stover, Suit, Sumner, Sweet, Torbet, and Walker—29.

Those who voted in the negative were,

Messrs. Barker, Beach, Behm, Brady, Carpenter, Chowning, Cockrum, Crawford, Davis of Franklin, Dice, Dobson, Douthit, Eccles, Foster, Goudy, Graham, Hanna, Hay of Clark, Hicks, Howell, Hudson, Humphreys, Lavery, Leviston, Lewis, Lindsay of Howard, Major, Mayfield, McAllister, Morris, Nelson, Owen, Ray, Reynolds, Sale, Shanklin, Smith of Marion, Staton, Struble, Stuart, Taggart, Thompson, Watson, Wells, Williams, Wilson, Withers and Mr. Speaker—48.

So the vote was not reconsidered.

On motion by Mr. Smith of Marion,

Resolved, That the Speaker be authorized to fill vacancies in

standing committees, which have occurred in consequence of the death of Hon. J. W. Holliday and Hon. Henry Hostetter.

In obedience to the foregoing resolution, the Speaker made the following appointments:

On Public Expenditures—Mr. Sale.

On Enrolled Bills—Mr. Howell.

Also, the following:

On Banks—Mr. Davis of Sullivan.

On Rights and Privileges of the Inhabitants of the State—Mr. Davis of Sullivan.

By the unanimous consent of the House,

Mr. Owen, from the joint select committee on Revision, made the following report:

MR. SPEAKER:

The joint select committee on Revision, to whom were referred bill of the Senate No. 33, abolishing distress for rent, also House bill No. 169, regulating descents and apportionment of estates, report the same back, and recommend that they lie on the table, inasmuch as the provisions contained in the said bills are all incorporated in general bills reported, or to be reported, by your committee, and they ask to be discharged from further consideration of the said bills.

Which report was concurred in.

Mr. Owen, from the joint select committee on Revision, made the following report:

MR. SPEAKER:

The select joint committee on Revision, to whom was referred bill of the House No. 108—regarding the administration of estates of the value of five hundred dollars and less—report the same back, and recommend that it lie on the table, the provisions of said bill having been incorporated partly in the law of descents, and partly in the probate law, reported, or to be reported by your committee; and they ask to be discharged from further consideration of the subject.

A division of the question was ordered.

The first question being on discharging the committee from the further consideration of the bill,

And being put,

It was decided in the affirmative.

The second question being put, on laying the bill on the table;
It was agreed to.

On motion by Mr. Brady,

The order of business was suspended, and House bill

No. 197. A bill explanatory of the act entitled "an act providing for the election of town and city officers, and prescribing the qualification of voters in such elections," approved March 10th, 1852; and to provide for filling vacancies in the office of councilman or trustee;

Was taken up, and read a second time.

Mr. Smith of Marion submitted the following amendment:

Insert after the word "act," in the 2d line of the 4th section, the words "and as elections are soon to be held in several towns and cities."

Pending which,

On motion by Mr. Hudson,

The bill and pending amendment were referred to the committee on the Judiciary.

On motion,

The order of business was suspended, and

Mr. Stover, from the joint select committee on Revision, made the following report:

MR. SPEAKER:

The joint select committee on Revision, to whom was referred House bill No. 46, entitled "an act to provide for the subscription by the State Librarian, for one copy annually of each of the public newspapers published in this State, and for the binding thereof," have had the same under consideration, and have directed me to make the following

REPORT.

Two questions are presented in determining the merits of the bill:

Will the proposed acquisition be useful and entertaining?

Can the library fund be more profitably invested?

The committee presume no one will be bold enough to deny that the newspapers of the State are, in *some degree*, useful and entertaining, and, without further attempt to demonstrate that proposition, will pass to the second question.

The bill proposes not an additional expenditure for the benefit of the library. It seeks only a diversion of part of the ordinary ap-

appropriation to the purchase and preservation of the newspapers of the State, instead of other publications. Without denying that many of the latter would be valuable accessions to the library, the committee are of opinion that these newspapers, preserved in proper binding, where they would be open to the examination of citizens and strangers, would contribute more to an accurate understanding of the local history and resources of every part of the State, than could be derived from any other source. The truth is, they furnish a history of opinions and events, which perishes with their destruction. Without the material they afford, a complete record of the times cannot be made up. The lack of such means has presented insuperable difficulties to the compilers of history. We know that there exist stupendous remains of ancient art, but the names of the artists and the causes which led to the projection of their works, have passed to oblivion. The monotony of the arid plains of the east is occasionally interrupted by broken columns and dilapidated temples, which, while they force profound admiration from the traveler, shed not a ray of light on the gloom of history. They furnish us indisputable evidence that a people once existed who possessed architectural skill superior to that of moderns; but alas! the manners and customs, arts and sciences, literature and the details of their religious rituals, are but the subjects of mazy hypotheses.

To him who thirsts for knowledge, it is a source of profound regret that history is not an unbroken chain. Lapses, fearfully great in point of duration, occur from the commencement of time. Whole nations, of whom we have nothing to remind us but ill-defined remnants of their labors, have flourished at different periods. In fact, tradition has heretofore formed such an important element in history, that it is oftentimes extremely questionable, whether reliable inferences can be derived from its statements. It cannot be denied that history and fiction are indiscriminately blended.

Newspapers, as conducted in the present age, in our country, give an impress of the people and the times. That they are not free from the ebullitions of passion and prejudice, the committee will not deny; and they challenge the production of any historical work without such blemishes. Perfection cannot proceed from fallibility. But the bill proposes to accompany the poison with the antidote. Stored away in the same shelves will be found the exponents of every shade of opinion, so that the historian who comes after us can present a true picture of the times.

Twenty-five years hence the newspapers of the State published during the coming year, would excite more interest among visitors to the State Library, than any other publication. Within that time, magic changes will have been wrought in every department of life. The imagination is lost in the immensity of the conception. What exquisite pleasure it would afford us then to peruse such works as present, week after week, day after day, the degrees of progress and the impressions made at the time, upon the public mind! We would

read not the cold calculations of an after-comer, who, in pursuit of a whimsical theory, tortures every incident to suit his purposes, but the "thoughts that breathe, and words that burn" of the actors in the drama.

It is conceded that the progress and enterprize of a community are evidenced by the character of its press. Its newspapers present a panoramic view of its business and resources. We cannot conceive of a people possessed of all the elements of prosperity, who have not published in their midst a newspaper. Shrewd business men know this; and they are rarely found locating where there is none. Or if they do, and by their enterprize an impetus is given to improvement, as fruit is preceded by flowers, so will the dawn of progress be heralded by the establishment of a newspaper. If this bill pass, persons desiring a location, on visiting the State Library, can examine the various papers of the State, and from them can form the most accurate conception of the communities in which they are printed.

There can be no doubt that the passage of the bill will tend to elevate the character of the State press, already deservedly high. When its conductors see that their productions are likely to meet the gaze of posterity, they will be stimulated to renewed exertions, to render them worthy of perusal. At present, on account of repeated failures, the wrecked fortunes of nine out of ten of those who have been bold enough to engage in the enterprise, oftentimes monopolized by hungry politicians, who, when their ends are attained, abandon them to penury, constantly changing hands, in consequence of the insecurity of the business, the State newspapers have had an ephemeral existence. Rarely have their productions lived beyond a generation, while most of them exists only as the shadowy remembrance of a waking dream.

These and other reasons, equally cogent, have induced the committee to report back the bill and earnestly recommend its passage. While it will offer no pecuniary advantage to publishers, it will place in the Library, at an annual cost not exceeding one hundred and fifty dollars, works of the greatest interest and of paramount importance, to the present and to future generations.

On motion by Mr. Stover,

Bill No. 46, accompanying the foregoing report was laid on the table.

Mr. Gibson by the unanimous consent of the House, made the following report, from the joint select committee on Revision:

MR. SPEAKER:

The joint select committee on Revision, to whom was referred the subject, have instructed me to report No. 202, a bill "prescribing

the number, and defining the powers and duties of Constables;" and to recommend its passage.

Which bill was read a first time and passed to a second reading.

ORDERS OF THE DAY.

House Bills on Second Reading.

No. 193. An act concerning mortgages.

Was read a second time,

On motion by Mr. King,

The bill was laid on the table.

On motion by Mr. Gibson,

The vote on the adoption of the resolution requiring bills on their second reading reported from committees to be printed, was reconsidered.

The question being put, on the adoption of the resolution,

It was decided in the negative.

No. 194. A bill concerning real property and the alienation thereof.

Was read a second time.

On motion by Mr. Gookins,

The bill was referred to the committee on the Judiciary.

No. 196. A bill regulating the tariff of tolls on the Wabash and Erie Canal.

Was read a second time.

On motion by Mr. Nelson,

The bill was referred to a select committee of five.

Messrs. Nelson, Stuart, Lindsay of Howard, Behm and Bryant, were appointed said committee.

On motion by Mr. King,

House bill No. 193. A bill concerning mortgages,

Was taken from the table.

Mr. King submitted the following amendment to the bill:

Strike out all in the bill included in sections 3 to 16 both inclusive and insert,

"No mortgage of real estate or instrument operating as or having the legal effect of a mortgage shall authorize or be construed to authorize to the mortgagee a power of sale."

On motion by Mr. King,

The bill and pending amendment were referred to the Judiciary committee.

No. 195. A bill dividing the State into counties, and defining their boundaries, and defining the jurisdiction of such as border on the Ohio and Wabash rivers.

The clerk proceeded to read the bill, when

Mr. Stuart moved to suspend the rule and read the bill a second time by its title.

And the question being put;

Those who voted in the affirmative were,

Messrs. Barker, Beach, Brady, Bryant, Buskirk, Carpenter, Chowning, Cowgill, Crawford, Cromwell, Davis of Sullivan, Dice, Dobson, Donham, Doughty, Douthit, Eccles, Foster, Gookins, Gunn, Hanna, Hart, Helmer, Henry, Holman, Howell, Huffstetter, Hunt, Lavery, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Major, Manson, Marrs, Mayfield, McAllister, Morris, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Shanklin, Smith of Marion, Staton, Stover, Struble, Stuart, Suit, Sweet, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers and Mr. Speaker—62.

Those who voted in the negative were,

Messrs. Behm, Davis of Franklin, Goudy, Graham, Hay of Clark, Hicks, Holladay, Hudson, King, McDowell, Miller, Sale, Smith of Spencer, Sumner and Thompson—15.

So the rule was suspended and the bill read a second time by its title.

On motion by Mr. Stuart,

The bill was laid on the table.

SENATE JOINT RESOLUTIONS.

No. 108. A joint resolution on the subject of suppressing small bank notes;

Was read a second time.

Mr. Behm moved to lay the joint resolution on the table.

And the question being put,

The ayes and noes were demanded by Messrs. Manson and Behm.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Behm, Brady, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donham, Doughty, Douthit, Eccles, Gibson, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Helmer, Holladay, Holman, Howell, Huffstetter, Humphreys, Hunt, King, Laverty, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Mayfield, Miller, Morris, Owen, Porter, Ray, Sale, Smith of Marion, Smith of Spencer, Stover, Suit, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Williams, Wilson, Withers and Mr. Speaker—61.

Those who voted in the negative were,

Messrs. Bryant, Crawford, Foster, Henry, Howell, Major, Manson, Marrs, McAllister, McDowell, Nelson, Reynolds, Schoonover, Shanklin, Staton, Struble, Stuart, Torbet and Wells—19.

So the joint resolution was laid on the table.

No. 112. A joint resolution for the purpose of opening a correspondence with the Executive of Ohio, regarding the appraisement and taxation of personal property;

Was read a second time by the title, and,

On motion by Mr. Gibson,

Referred to the committee on Ways and Means.

No. 114. A joint resolution in relation to declaring the bridge over the Ohio river at Wheeling, Virginia, a post route;

Was read a second time, and,

On motion by Mr. Gibson,

The joint resolution was laid on the table.

HOUSE BILLS ON THEIR THIRD READING.

No. 27. A joint resolution in relation to bounty lands;
Was read a third time.

The question being, shall the joint resolution pass?
And being put;

Those who voted in the affirmative were,

Messrs. Barker, Beach, Behm, Brady, Bryant, Buskirk, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donham, Doughty, Douthit, Eccles, Foster, Gookins, Goudy, Hanna, Hart, Hay of Clark, Helmer, Henry, Holladay, Holman, Hudson, Huffstetter, Hunt, King, Laverty, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Major, Manson, Marrs, Mayfield, McAllister, Miller, Morris, Nelson, Owen, Porter, Ray, Reynolds, Sale, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stover, Struble, Stuart, Suit, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—72.

Those who voted in the negative were,

Messrs. Carpenter, Gibson, Graham, Gunn, and McDowell—5.

So the joint resolution passed.

Ordered, that the clerk inform the Senate thereof.

SENATE BILLS ON THEIR THIRD READING.

No. 93. A bill to provide for the payment of the public debt of the State, and prescribing the manner of accomplishing this object;

Was read a third time.

Mr. Williams moved to re-commit the bill to the committee on Ways and Means, with the following instructions:

“To strike out all that relates to the purchase of the bonds of other States or of the United States.”

Mr. Gibson moved to amend the instructions by adding:

“And strike out the last section of the bill.”

Which was agreed to.

On motion by Mr. Gookins,

The bill and pending instructions were laid on the table.

Senate joint resolution

No. 102. A joint resolution memorializing Congress to pass an act, placing assistant surgeons appointed by commanding officers of the U. S. Army during the war with Mexico, on the same footing

as to bounty land and extra pay as regularly commissioned surgeons;

Was read a third time.

On motion by Mr. Withers,
The joint resolution was laid on the table.

On motion by Mr. Dobson,
The House adjourned.

THURSDAY MORNING, 8 o'clock, }
April 22d, 1852. }

The House met.

The clerk proceeded to read the journal of yesterday,
When,

On motion by Mr. Gibson,
The further reading of the journal was dispensed with.

The Clerk proceeded to call the roll under the rule, when the following members answered to their names, viz:

Messrs. Barker, Behm, Brady, Bryant, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donham, Doughty, Douthit, Eccles, Foster, Gibson, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Helmer, Henry, Hicks, Holladay, Holman, Howell, Huffstetter, Hunt, King, Lavery, Lawrence, Lewis, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Manson, Marrs, Mayfield, McAllister, McDowell, Miller, Morris, Nelson, Owen, Porter, Ray, Reynolds, Sale, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams, Wilson, Withers and Mr. Speaker—76.

And the following members were absent without leave of the House, viz:

Messrs. Beach, Beane, Beeson, Buskirk, Bulla, Crim, Donaldson, Geddes, Hudson, Humphreys, McConnell, McDonald, Mudget, Scudder and Torbet.

The Speaker laid before the House the following communication and supplemental report of the Trustees of the Indiana University, for the year 1852:

HON. WM. H. ENGLISH,

Speaker of the House of Representatives:

SIR:—Please lay before the body over which you preside, the accompanying report (supplemental) of the Board of Trustees of Indiana University.

Respectfully,

JOHN I. MORRISON,
*Chairman of Com. of Board of
Trustees of Indiana University.*

April 22, 1852.

To the General Assembly of the State of Indiana:

The Board of Trustees of the Indiana University, through their committee, respectfully submit the following report, supplemental to the annual report made to the General Assembly in December last:

In accordance with the act passed on the third day of March, 1852, reorganizing the Board of Trustees of Indiana University and defining their powers and duties, the Board met in the University Chapel, on the 10th day of April.

The following Trustees were present, viz:

Thomas M. Adams, of the county of Brown;
N. C. Browning, of the county of Monroe;
George Evans, of the county of Henry;
Michael A. Malott, of the county of Lawrence;
Johnson McCullough, of the county of Monroe;
John I. Morrison, of the county of Washington;
Patrick Joseph R. Murphy, of the county of Martin;
Joseph G. McPheeters, of the county of Monroe.

The Board elected as President of their body, JOSEPH G. MCPHERTERS, M. D.; JAMES D. MAXWELL, M. D., Secretary; and JOSEPH M. HOWE, Esq., Treasurer of the University.

The Board of Trustees desire to express their deep sense of the

irreparable loss sustained by the University, in the sudden death of its late distinguished President, the Rev. **ANDREW WYLIE, D. D.**, which was communicated to the General Assembly in the last annual report; and in testimony of their high appreciation of his great talents, profound learning, and eminent piety, the Board have ordered the following resolutions, adopted unanimously, to be spread upon their records. — [See appendix, marked A.]

A delicate and difficult duty devolved upon the Board, in selecting officers to fill the vacant chairs in the Faculty of instruction. This duty was rendered still more perplexing by the fact, that the Trustees were required by law to proceed, at their first meeting, to the election both of a President of the University, and a Professor of Mathematics, without having had the opportunity of conference or correspondence with literary men throughout the country.

JOHN H. LATHROP, LL. D., now Chancellor of the University of Wisconsin, was elected President and Professor of Moral and Mental Science and Belles Lettres; and **ROBERT MILLIGAN**, now a Professor in Washington College, Pa., Professor of Mathematics and Civil Engineering.

Dr. Lathrop has an experience of nearly thirty years as a College officer, and is recommended to the Board by those well knowing him, as eminently qualified to succeed the late distinguished President of this University.

Prof. Milligan is recommended by high testimonials from the most eminent sources. The Board have great reason to believe, that in both these gentlemen they have found worthy associates of the present learned and accomplished Professors; and that the Faculty, as now organized, will meet the just expectations of the people of Indiana and their representatives.

The Board cannot forbear an expression of their gratification, that by extraordinary labors on the part of the existing Faculty, the course of instruction was fully kept up in all departments of the University, after the lamented death of Dr. Wylie. The committee appointed to be present at the examinations, closing during the first week of April, made a most satisfactory report, which is herewith submitted in the appendix, marked B, as exhibiting the course and manner of instruction now pursued in the University.

It is proper to say, that the Law School, connected with the University, maintains its high reputation, and that the following gentlemen were graduated as bachelors of law at the Law Commencement, on the 20th day of February, viz: Samuel A. Bonner, of Greensburg; John P. Baird, of Terre Haute; William M. Connelly, of Spencer; Joseph T. Draper, of Scipio; James T. Embree, of Princeton; Stephen C. Taber, of Logansport; Henry D. Wise, of Vincennes; and Wm. H. Green, of Mt. Vernon, Illinois.

The Board of Trustees, aided by consultation with the Faculty, have given much consideration to the means of extending the usefulness of the University, and of rendering it more acceptable to all

classes of the people of Indiana who may, for themselves or their children, desire to enjoy the advantages of such an institution. The difficulty and embarrassment which the Board experience in their plans of enlarging the course of instruction, and in adding new departments to those already existing in the University, are found in the limited means placed at their disposal. It is their most earnest desire to adapt the University to the educational wants of the State, and to make it an instrument, in carrying out the constitutional obligation of the General Assembly, to encourage, by all suitable means, moral, intellectual, scientific, and agricultural improvement.

In pursuance of these designs, the Board of Trustees, at the recent meeting, resolved upon the four following measures, and have adopted plans for carrying these measures into immediate execution:

1. *The Establishment of a course of Agricultural Chemistry.*

Lectures and experiments in this course, it is intended, shall commence on Thursday, the 23d day of September—the first day of the first term of the collegiate year. Other departments of study will also be open to young men, who may resort to the University with special reference to this subject. It can hardly be doubted, that this provision will be highly acceptable to the most numerous class of our citizens, and that many, designed for agricultural pursuits, will avail themselves of its benefits. The Board entertain the hope that through the proposed department, the State University may be made a valuable auxiliary in promoting a species of knowledge of great importance in that branch of industry which is the great source of the wealth and prosperity of the State; and they confidently trust that at this period, when so much interest is awakened on the subject of scientific agriculture, many may be disposed to avail themselves of the advantages now proffered in the University.

The Board are happy to state, that this important improvement will be attended with little additional expense, as the University already has a very excellent Laboratory and apparatus, adequate to all required experiments. The University is also most fortunate in having at the head of this department, Prof. T. A. Wylie, who, by early training, (under the celebrated Dr. Hare, of the University of Pennsylvania,) and ample experience, is eminently fitted for the new duties which will devolve upon him.

2. *The Establishment of a Normal Seminary, under the Direction of the Resident Trustees and the Faculty, having two Departments, one designed for Males and the other for Females.*

The design is, to bring the State University, through these departments, into more immediate connection with the system of common schools, required by the State Constitution; and to render it useful

in training a class of professional teachers, who will be prepared and qualified to take charge of union and district schools; and to diffuse, wherever they may be, educational knowledge, and make known the best methods of teaching and school government. The subject of training professional teachers in normal seminaries, is one which attracts much attention throughout the United States; and is beginning to awaken attention and inquiry in Indiana, as a means of elevating the general standard of qualification for the great work of teaching.

The plan of the seminary, as designed by the board, is the following: One of the professors, in addition to other duties, will be constituted Professor of Didactics, or of the Theory and Art of Teaching. A regular course of studies for this department will be prescribed by the Faculty; and those who complete it and pass a creditable examination, will be entitled to a certificate or diploma, signed by the Faculty. The several departments of the University will, likewise, be open to the members of this class; and they will have the opportunity of reviewing and perfecting themselves, without additional cost, in any branch of knowledge taught in the University.

But as auxiliary to the instruction of this class, a *model* school is required, in order to present to the eye of the learner, a common school, as nearly perfect as possible in its order, arrangement, furniture, classification, and methods of teaching; and also as a school of practice, in which to exercise and test the young teacher's ability and tact. The Board have resolved to fit up rooms in one of the present buildings on the College Campus, for a boys' model school; and to procure a teacher, who has been trained in a normal school, as its superintendent.

Inasmuch as it is known, that a large proportion of all the teachers in those States, where the common school system is brought to the highest perfection, are females, amounting in some States, it is believed, to five-sixths of the total number; and as it is exceedingly desirable, on every consideration, to increase the proportion of female teachers in Indiana, the Board of Trustees have felt, that without provision for a normal department for females, they would have accomplished less than half their work. They have, therefore, made provision for a normal department for females, to be organized and controlled as the male department.

In this design, the Board are exceedingly favored by circumstances now existing in the town of Bloomington, which, it is hoped, will enable them to carry the measure into early execution. The Monroe County Seminary, distant over half a mile from the University, is by law a female seminary. This seminary has been conducted in such a manner as to secure universal favor in the community where it exists, and a widely extended reputation. It is considered by the best judges to be, in its present organization, a model seminary for females. The accomplished Principal has extensively visited normal schools and institutions of female education, with a view of acqui-

ring a knowledge of the best systems of education; and in tact, talent, and capacity for influencing her pupils, possesses remarkable power. It is believed that the Board will be able to secure the services of this lady, together with her accomplished corps of teachers; and in a few weeks, to organize the school under the direction of the resident Trustees and the Faculty, as the female department of the Normal Seminary.

It is the wish of the Board to place this department upon the most elevated grounds; and to make it subservient both to general education and to the elevation of the female sex. It is certainly just and proper, that while so much is done to prepare our sons for the business of life, by numerous institutions designed for their benefit, that some public effort and expenditure should be made to fit our daughters, not merely for a business by which they may gain for themselves an honorable livelihood, but render most important service in the general education of the State. The Board trust, that by wise and prudent management, the department now established, under the most favorable circumstances for success, will become an ornament and a blessing to the State. The department will derive great benefit from its connection with the University, through the lectures and experiments of the Professors.

The Board of Trustees respectfully represent to the General Assembly, that in order to carry out their plans in regard to this department, in as ample a manner as is desirable for its success, they will be subjected to a considerable expenditure; and pray that the General Assembly will grant, in furtherance of this object, such pecuniary aid as they may think wise and expedient. The Board believe that such aid would be consistent with justice and sound policy; would be eminently honorable to the State, and would be fully sustained by public approval.

Finally, in regard to the whole subject of a Normal Seminary in both its departments, the Board do not hesitate to express the conviction that with very slight additional means, obtained through State or private munificence, the Seminary, by its connection with the University, will be more efficient, more likely to secure public confidence, will possess more ample means of instruction, than were the entire University fund converted to the sole purpose of a Normal Seminary.

3. *The establishment of a School of Theoretic and Practical Engineering, in connection with the Mathematical Department.*

The numerous public works now in process of construction, render civil engineering a most important branch of University education; and it cannot be doubted that instruction by an able and accomplished mathematician, in this important branch, together with practical illustrations in the field, will meet one of the present demands of

public education in Indiana, and add a new and valuable class of students to the University.

4. *The establishment of a Scientific Department.*

It has long been a subject of complaint, that proper provision has not been made by our colleges to encourage that class of students who do not complete a full course of classical reading. The degree of Bachelor of Science will, hereafter, be conferred upon all who have completed the full course prescribed for this department; and diplomas will be granted, and the same formalities observed, as in conferring the regular degrees now known in the University. This arrangement will be highly satisfactory to a large class of students, hitherto designated in the catalogues as irregulars; and, it is hoped, will induce many, by having a definite object in view, to continue connected with the University, until they shall have finished a full scientific course.

The Board, at their late meeting, restored the former order and number of sessions and vacations, and established the rates of tuition, as follows:

The collegiate year is now divided into three sessions. The first begins on Thursday, the 23d of September, and continues until the 24th of December, and is followed by a recess of one week. The second begins on the first Monday of January, and ends on the first Wednesday of April, and is followed by a vacation of four weeks. The third (being the ensuing session,) begins on Thursday, the 6th of May, and terminates on Wednesday, the 4th of August, which is commencement day.

TUITION.—In college proper, eight dollars per session; in preparatory department, six dollars per session. County students are required to pay a fee of one dollar per session for contingencies.

In conclusion, the Board have endeavored to add new facilities of public education, without destroying any of the advantages now existing in the University. All the branches heretofore taught will still be taught. New duties and responsibilities have been thrown upon the Faculty, which, it is due to them to say, they have manifested no reluctance to undertake. The State University, with enlarged means of usefulness, with a Faculty of able and earnest Professors, opens her doors to the youth of the country, and commends herself with renewed confidence to the fostering care of the General Assembly.

Respectfully submitted, on behalf of the Board of Trustees:

JOHN I. MORRISON,
PATRICK JOSEPH R. MURPHY,
JOSEPH G. McPHETERS,

Committee.

APPENDIX (A.)

Resolutions of condolence, occasioned by the death of the Rev. Andrew Wylie, D. D., late President of Indiana University, unanimously adopted by the Board of Trustees, at their recent meeting.

WHEREAS, It has pleased Almighty God, since the last meeting of the Board of Trustees of this University, to remove by death the Rev. ANDREW WYLIE, D. D.; its late distinguished President;

Resolved, That it is due the exalted worth and eminent services of this great and good man, as well as his official position in this University, that the Board should record an expression of their sense of the loss, which in his death, has befallen not only our University, but the cause of education and the interests of literature in our State and country.

Resolved, That the death of him who has so long been a tower of strength to the State University, and whose very name has given character to our Institution, is an event most deeply deplored by the Trustees, individually and as a body; and that, while we lament his removal as a public calamity, we tender to his widow and bereaved family our heartfelt sympathies and condolence, and commend them to the grace and keeping of that Almighty Being, who is the widow's God, and the father of the fatherless.

Resolved, That a just regard to the memory of the first President of our University, who had labored so long and earnestly to build up an institution of learning worthy of our State, imposes new and greatly increased responsibilities upon all connected with the University; and that the best and most permanent monument to his name is the Indiana University, made such as he, for a series of years, was striving to make it—the pride and ornament of Indiana.

Resolved, That the Secretary be directed to send a copy of these resolutions of the Board to the widow of the deceased.

APPENDIX (B.)

A Report of Examination, by a Committee of the Board of Trustees of Indiana University.

In compliance with an order, made by the former Board of Trustees of Indiana University, the undersigned attended the examinations of the several classes connected with the University, which commenced on Saturday, the 3d, and closed on Wednesday, the 7th day of April, 1852, and beg leave respectfully to submit, as the result of their labors, the following

REPORT.

The examination was opened on Saturday, with the classes in the Preparatory Department, under the charge of Prof. M. M. Campbell.

The examinations in this department were confined, as we think, very properly, to the grammars of the Latin and Greek languages, together with such exercises in translation as were deemed necessary for practical purposes. With every portion of the grammars, the familiarity of the classes was alike creditable to their own diligence, and to the assiduity and fidelity of their instructor.

In the Mathematical Department, under the charge of Prof. Marshall, the classes in College proper were examined on Monday, in pure Mathematics, commencing with Algebra, and extending over Analytical Geometry, Descriptive Geometry, Trigonometry, and the Differential Calculus. Upon all these subjects, the classes were subjected to a severe and searching examination. The admirable proficiency and accuracy in this department reflected the highest credit upon the students and the Professor.

On Tuesday, in Professor T. A. Wylie's department, the Junior and Senior classes were examined in the several branches of Natural Philosophy; and the Freshman class, in Latin and Greek. In the demonstrations of some of the most difficult propositions in Mechanics and Optics, the young gentlemen evinced a degree of knowledge seldom found in under-graduates, and well sustained the high reputation of their Professor.

In the department of Languages, in charge of Professor Read, the examinations were, for want of time, necessarily brief, but highly satisfactory to the committee. Since the lamented death of Dr. Wylie, late President of the University and Professor of Moral and Mental Science, &c., the duties of this chair have, for the most part, been discharged by the Professor of Languages. In the President's department, the subjects of examination, in the Junior and Senior classes, were Rhetoric, Logic, and International and Constitutional Law. Upon these subjects the examinations were very full and rigorous. In addition to the usual questions proposed on such occasions, the young gentlemen were required to exhibit on the black-board a complete analysis of each topic. This afforded the committee a favorable opportunity to ascertain how far and how profoundly the subjects had been studied; and they feel constrained to say, in behalf of the students, and in justice to the distinguished Professor, who has with such signal ability and success conducted their studies, that the examinations in this department have not been surpassed by any ever witnessed by them, in this or any other similar institution.

In general terms, the committee represent to the Board, that the examinations throughout the different departments have been conducted to their high gratification and entire satisfaction.

Respectfully submitted:

JOHN I. MORRISON, } Com.
D. H. MAXWELL, }

Mr. Bryant moved to lay the report on the table and print 1000 copies.

Mr. Brady moved to amend the proposition by striking out 1000 and insert 500 copies.

And the question being put,

The ayes and noes were demanded by Messrs. Suit and Smith of Spencer.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Brady, Bryant, Buskirk, Cockrum, Crawford, Cromwell, Davis of Franklin, Davis of Sullivan, Dobson, Donham, Douthit, Eccles, Gookins, Goudy, Graham, Hanna, Hay of Clark, Helmer, Henry, Hicks, Howell, Hudson, Huffstetter, King, Laverty, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Manson, Marrs, Mayfield, McAllister, Miller, Morris, Nelson, Owen, Porter, Ray, Reynolds, Sale, Shanklin, Staton, Stover, Struble, Stuart, Suit, Sumner, Sweet, Thompson, Walker, Watson, Wells, Wilson, and Mr. Speaker—57.

Those who voted in the negative were,

Messrs. Behm, Carpenter, Chowning, Cowgill, Dice, Doughty, Foster, Gibson, Gunn, Hart, Holladay, Holman, Lawrence, Lewis, McDowell, Schoonover, Smith of Marion, Smith of Spencer, Taggart, Torbet, Williams, and Withers—22.

So the proposition of Mr. Brady was agreed to.

The question then recurred on the adoption of the resolution.

Mr. Williams called a division of the question.

The first question being put, to lay the report on the table,

It was decided in the affirmative.

The second question being put to print 500 copies of the report,

The ayes and noes were demanded by Messrs. Smith of Spencer and Doughty.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Brady, Bryant, Buskirk, Cockrum, Crawford, Davis of Sullivan, Dobson, Donham, Douthit, Eccles, Gookins, Helmer, Henry, Howell, Hudson, Huffstetter, King, Laverty, Lindsey of Fayette, Lindsay of Howard, Manson, Mayfield, McAllister, Miller, Nelson, Owen, Porter, Ray, Sale, Schoonover, Shanklin, Smith of Marion, Struble, Stuart, Suit, Sweet, Thompson, Wells, Wilson, and Mr. Speaker—42.

Those who voted in the negative were,

Messrs. Behm, Carpenter, Chowning, Cowgill, Davis of Franklin, Dice, Doughty, Foster, Gibson, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hicks, Holladay, Holman, Lawrence, Leviston, Lewis, Major, Marrs, McDowell, Morris, Reynolds, Smith of Spencer, Staton, Stover, Sumner, Taggart, Torbet, Walker, Watson, Williams, and Withers—36.

So 500 copies of said report were ordered to be printed.

PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Struble:

The temperance memorial of thirty-eight citizens from the county of Bartholomew;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Miller:

The memorial of sundry ladies and gentlemen of Fulton county, praying the passage of a law similar to the Maine law;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. McDowell:

The memorial of sundry ladies of Wells county, praying the passage of an law similar to the Maine liquor law;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Behm:

The memorial of sundry citizens of Tippecanoe county, praying the passage of a law similar to the Maine law;

Which was read, and,

On motion,

Referred to the committee on Temperance.

By Mr. Hicks:

The memorial of 138 citizens of Jennings county, praying the passage of a law similar to the Maine law;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Morris:

Two memorials from sundry ladies and gentlemen of Henry county, praying the passage of a law similar to the Maine law;

Which was read, and,

On motion,

Referred to the committee on Temperance.

By Mr. Hunt;

The petition of the county commissioners and auditor of Laporte county in relation to compensation of county assessors.

Which was read, and

On motion,

Referred to the committee on Fees and Salaries.

By Mr. Hay of Clark,

The memorial of sundry ladies of Clark county in reference to the liquor traffic.

Which was read, and

On motion,

Referred to the committee on Temperance.

By Mr. Suit,

The memorial of sundry ladies of Clinton county praying the passage of a law similar to the Maine law.

Which was read, and

On motion,

Referred to the committee on Temperance.

By Mr. Smith of Marion,

A remonstrance from sundry German citizens of Hamilton county, against the passage of the Maine law or any similar law.

Which was read, and

On motion,

Referred to the committee on Temperance.

By Mr. Mayfield,

A memorial from sundry citizens of Jefferson county, praying the passage of a law similar to the Maine law.

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Lawrence,

A petition from sundry ladies and gentlemen of Wayne county, praying the passage of a law similar to the Maine law.

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Helmer,

A memorial from sundry citizens of Lawrence county, praying the passage of a law similar to the Maine law.

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Suit,

Two memorials from sundry citizens of Clinton county, praying the passage of a law similar to the Maine law.

Which,

On motion,

Were referred to the committee on Temperance.

By Mr. Cowgill,

A petition from sundry ladies and gentlemen of Wabash county, on the subject of Temperance.

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Hicks,

A memorial from 57 ladies of Jennings county, praying the passage of a law similar to the Maine law.

Which was read, and

On motion,

Referred to the committee on Temperance.

REPORTS FROM COMMITTEES.

Mr. Stover, from the joint select committee on Revision, made the following report:

MR. SPEAKER:

The joint select committee on Revision, to whom the subject was referred, have instructed me to report No. 203, a bill regulating general elections, and prescribing the duties of officers in relation thereto, and to recommend its passage.

The bill was read a first time, and passed to a second reading.

Mr. Owen, from the joint select committee on Revision, made the following report:

MR. SPEAKER:

The joint select committee on Revision, to whom was referred the subject, have instructed me to report No. 204, a bill concerning the partition of lands, and to recommend its passage.

The bill was read a first time and passed to a second reading.

Mr. Stover, from the joint select committee on Revision, made the following report:

MR. SPEAKER:

The joint select committee on Revision, to whom was referred the subject, have instructed me to report No. 205, a bill to provide

for contesting the election of any State, district, circuit, county or township office, and to recommend its passage.

The bill was read a first time and passed to a second reading.

Mr. Owen, from the joint select committee on Revision, made the following report:

MR. SPEAKER:

The joint select committee on Revision, to whom was referred the subject, have instructed me to report No. 206, a bill for the protection of lands held by, or mortgaged to, the State, and concerning charges thereon; and to recommend its passage.

The bill was read a first time, and passed to a second reading.

Mr. Smith, of Marion, chairman of the committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The committee on Enrolled Bills have compared the following enrolled with the engrossed bill of the House, of the corresponding number, and find the same correctly enrolled:

No. 152. An act authorizing the State Librarian to contract for re-covering the State House with fire and water proof composition roofing material, or Boston sheet paper; also for the re-painting of the outside woodwork, and the necessary plastering of the same.

Whereupon the Speaker signed the same.

Ordered that the clerk inform the Senate thereof.

Mr. Owen, from the joint select committee on Revision, made the following report:

MR. SPEAKER:

The select joint committee on Revision, to whom was referred the subject, have instructed me to report No. 207, a bill providing for the surrender of the public works; and to recommend its passage.

The bill was read a first time and passed to a second reading.

Mr. Gibson, from the joint select committee on Revision, made the following report:

MR. SPEAKER:

The select joint committee on Revision, to whom was referred

House bill No. 163, an act to provide for the re-location of county seats, have had the same under consideration, and have directed me to report the same back, with a recommendation that the bill be indefinitely postponed; in which the concurrence of the House is respectfully requested.

The question being put on concurring in the report of the committee,

The ayes and noes were demanded by Messrs. Gibson and Dice.

Those who voted in the affirmative were,

Messrs. Beane, Behm, Brady, Bryant, Buskirk, Chowning, Cowgill, Cromwell, Davis of Sullivan, Dobson, Doughty, Eccles, Foster, Gibson, Gookins, Goudy, Hay of Clark, Helmer, Henry, Hicks, Holladay, Hudson, Huey, Huffstetter, Hunt, Lawrence, Leviston, Lindsey of Fayette, Manson, Marrs, Mayfield, McAllister, Morris, Mudgett, Ray, Reynolds, Sale, Staton, Stover, Suit, Sumner, Sweet, Taggart, Thompson, Walker, Watson and Wilson—47.

Those who voted in the negative were,

Messrs. Barker, Cockrum, Davis of Franklin, Dice, Douthit, Graham, Gunn, Hanna, Hart, Holman, Humphreys, Laverty, Lindsay of Howard, McDowell, Miller, Owen, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Struble, Stuart, Torbet, Wells, Williams and Mr. Speaker—26.

So the report was concurred in, and the bill indefinitely postponed.

Mr. Gibson from the joint select committee on Revision made the following report:

MR. SPEAKER:

The select joint committee on Revision to whom was referred House bill No. 147, "a bill to regulate the traffic in intoxicating liquors, &c," as also a bill of the Senate upon the same subject, have had the said bills under consideration, and having recommended the passage of the Senate bill, they have therefore directed me to report the said House bill back with a recommendation that the same be laid on the table.

The question being put in concurring in the report of the committee;

The ayes and noes were demanded by Messrs. Gibson and Suit.

Those who voted in the affirmative were,

Messrs. Barker, Brady, Dobson, Eccles, Gibson, Graham, Hart, Huffstetter, Humphreys, McAllister, Owen, Ray, Schoonover, Smith of Marion, Smith of Spencer and Mr. Speaker—16.

Those who voted in the negative were,

Messrs. Beach, Behm, Bryant, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Davis of Franklin, Davis of Sullivan, Dice, Donham, Doughty, Douthit, Foster, Gookins, Goudy, Gunn, Hanna, Hay of Clark, Helmer, Henry, Hicks, Holman, Hudson, Hunt, King, Lavery, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Manson, Marrs, Mayfield, McDowell, Miller, Morris, Nelson, Porter, Reynolds, Sale, Shanklin, Staton, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson and Withers—60.

So the report of the committee was not concurred in.

The bill was then read a third time.

Mr. King moved to recommit the bill to the committee on Temperance with the following instructions:

After the word "retail" in Sec. 2, to insert the following: "in quantities less than — gallons."

Mr. Suit moved to postpone the further consideration of the bill until next Tuesday, at 2 o'clock.

Which was agreed to.

The Speaker laid before the House the following communication from his Excellency the Governor, and the accompanying correspondence:

EXECUTIVE DEPARTMENT, }
APRIL 22d, 1852. }

HON. WM. H. ENGLISH,

Speaker of the House of Representatives:

SIR:—You will please lay before the House of Representatives the within communication from the Adjutant General, David Reynolds, on the subject of the claim of the State of Indiana against the General Government, connected with the expenses of the State in raising troops in the late war with Mexico.

Most respectfully yours,

JOSEPH A. WRIGHT.

WASHINGTON CITY, D. C., }
 April 15th, 1852. }

SIR:—Knowing your anxiety to recover back to the State Treasury, the moneys paid out to organize, subsist, and transport to their respective rendezvous the five regiments called for from Indiana by the President, in 1846 and 1847, for the late war with Mexico, as Attorney of the State, commissioned by you, I hasten to submit the following report:

The undersigned, under authority of Governor Whitcomb, made out the account of the State against the United States, for the moneys expended for the purposes above, with a full and minute certificate from him, and forwarded it to the Hon. W. L. Marcy, then Secretary of War, that said moneys might be refunded to the State, under the law of Congress of June 2d, 1848; which account was received and referred to the Third Auditor of the Treasury Department, on the 12th of September, 1848, and on the 15th of said month was answered by said Auditor, that none of the claims could be paid except upon vouchers from the parties paid by the State, and "extracts from rules and instructions of the Secretary of War," very stringent and particular, were furnished, under which said vouchers were required to be taken.

It was thus made evident, that unless some one acquainted with the organization of the troops and expenditures therefor, should take the matter in hand, some six thousand dollars must be forever lost to the State.

The undersigned has, therefore, since the above period, visited various parts of the State, sent to others, and written to others, to procure the required vouchers.

In December last, conformably to your request, I returned to Indianapolis, from Zanesville, Ohio, to complete my evidences, preparatory to a settlement with the General Government, which being done, I came to this city, and on the 13th of February last, filed my vouchers, statements, and explanations in the office of the Third Auditor, and presented the power of attorney extended to me by your Excellency.

On the 1st of March, I procured a report on the claim, from the Auditor, which was on the 4th of said month, approved by the Secretary of War, for about two thirds of the claim, and the items of the other third were suspended for reasons stated; and upon my request, the suspended items were again taken up, and submitted upon additional proof and explanations, and again disallowed.

On the 9th of March, I addressed another communication to the Secretary of War, touching the suspended items, and his answer of the next day, induced me to go to Brooklyn, N. York, for the certificate of Gov. Whitcomb, (there sick,) explaining the item in favor

of the Indianapolis Branch Bank, and to send to Indiana for additional papers.

On the 6th inst., the Auditor made a report on said suspended items, and on the 9th the Secretary gave his decision thereon; and on the 12th inst., I had the pleasure of receiving a final report, in the language of which—"The whole claim of the State has been allowed, except Voucher No. 4, for \$186 29, paid Captain Joseph P. Smith, for that sum paid by him in raising and organizing a company called the 'Lake County Rangers,' which has been disallowed by the Secretary for the want of proof that said company was actually mustered and received into the service of the United States, as required by law."

The "Lake County Rangers," though not mustered into the volunteer service—and hence the above moneys could not be refunded under the law—yet it was organized under the requisition of the President, and a portion of the members were afterwards mustered into the regular service, and hence I have prepared the claim for presentation to Congress, with such evidences of its justness as induce me to hope for its allowance by that body.

The reports of the Departments, after stating in detail, the unusual promptness and efficiency of the organization of the five Indiana regiments, speak as follows of the financial part:

"From the foregoing, I am satisfied that great care and unusual economy has been observed by the authorities of the State of Indiana in respect to the expenses necessarily incurred on account of the volunteers from said State;" and again, "and that the whole expense incurred for five full regiments is remarkably reasonable."

The foregoing opinions of the Departments will be appreciated when I tell you that, while Indiana presented a claim of but a fraction over six thousand dollars, (including the claim of the Bank above named,) for organizing *five full regiments*, I met here the agent of another State, prosecuting a claim of over *ten thousand dollars*, suspended for the want of vouchers, having already drawn *five thousand dollars*, and all for the organization of *one regiment*. I believe that Indiana is the only State which has gotten back all her claim for the troops actually mustered and received in the service of the United States.

The promised assistance of Gov. Whitcomb, who so thoroughly understood the matter, was, to his and my regret, to but a small extent available, in consequence of his severe suffering from sickness. But Senator Bright went with me to the Treasury Department, and introduced me in such manner as to place me in fair and favorable communication with the proper officers of Government; and I take pleasure in saying that the Secretary of War and Third Auditor, who by law are charged principally with the settlement of such claims, the Second Comptroller, who finally reviews them, and especially those two experienced and efficient accountants, J. D. McPherson in the office of the Secretary of War, and W. H. S. Taylor

in that of the Third Auditor, who examined the items in detail, extended to me all proper facilities and courtesy.

It is important to such officers and citizens of the State as have claims for advances made, to know that the claim of the State is now settled, and the evidence in support of each item thereof on file with the Third Auditor, together with such other information in my possession as it was thought by me would assist them in settling their accounts, for I learn that individual claims had been suspended until those of the State should be adjusted.

I shall soon return home, and lift the refunding bond, according to the conditions thereof, and the *illiberal* law under which it was by me executed, allowing me for my expenses and services in organizing the 4th and 5th regiments in 1847; and will pay over every dollar of the principal of each item in the claim of the State for organizing the fifty companies composing the five regiments, collected back by me as heretofore stated, having procured the allowance of a sufficient amount of interest to cover my expenses by me paid out in connection with the settlement of the claim, and to afford me a fair compensation for my services.

Thus is closed the financial part of the organization of the Indiana Volunteers for the late war with the Republic of Mexico, and in this respect I am assured no other State has been so successful. I do not doubt that the result will be gratifying to your Excellency and to every tax payer of the State, as it will, to at least a small extent, contribute to the carrying out of that true policy of the State, the liquidation of the State indebtedness to the utmost of our ability, so zealously advocated by you.

Most respectfully,

Your ob't serv't,

D. REYNOLDS,

Adj't Gen'l and Att'y of Indiana.

To His Excellency JOSEPH A. WRIGHT,

Governor of Indiana, Indianapolis.

On motion by Mr. Smith of Marion,

The foregoing correspondence was referred to the committee on Military Affairs without reading.

Mr. Holman chairman of the committee on the Judiciary made the following report:

MR. SPEAKER:

The committee on the Judiciary to whom was referred House bill No. 197, entitled "an act explanatory to the act entitled "an act providing for the election of town and city officers and prescribing the qualifications of voters in such elections" approved March 10th, 1852, and to provide for filling vacancies in the office of councilman

and trustee, have had the same under consideration and instructed me to report the same back with the following amendments, and ask to be discharged from the further consideration of the subject:

Amend by striking out of the first section the words "in this State," and insert the following, "having any or all of the officers named in said act."

Amend by striking out section two, and insert in lieu thereof the following:

SEC. 2. That said act, to which this act is explanatory, shall not be so construed as to change or affect any provision of any such act of incorporation in any other manner whatever, than to make all the officers of any such corporations included within the enumeration of officers in the above entitled act, elective by the legal voters of any such corporation, or of the wards thereof, as may be provided for in any such act of incorporation, and to extend the right of suffrage as in the above entitled act specified, and in all other respects each provision of every such act of incorporation, shall still remain unimpaired and in full force.

Add to the 3rd section, "by the legal voters of such corporation or the proper ward thereof as may be provided for in the act incorporating such city or town," and insert the words "by the Clerk or Secretary thereof," after the word town in said 3rd section.

Insert after the word "act" in the 2nd line of the 4th section, the words "and as elections are soon to be held in several towns and cities."

Which report was concurred in and the amendments adopted.

Mr. Smith of Marion moved to read the bill a third time now.

Which was agreed to.

And the bill being engrossed, it was read a third time.

The question being, Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Brady, Bryant, Buskirk, Chowning, Cowgill, Crawford, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Doughty, Douthit, Eccles, Foster, Gibson, Gookins, Goudy, Gunn, Hart, Hay of Clark, Helmer, Henry, Hicks, Holladay, Holman, Howell, Hudson, Huey, Huffstetter, Humphreys, King, Laverly, Leviston, Lewis, Lindsey of Fayette, Major, Manson, Marrs, Mayfield, McAllister, McDowell, Morris, Nelson, Owen, Porter, Ray, Reynolds, Sale, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Staton, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers and Mr. Speaker—70.

Those who voted in the negative were,

Messrs. Carpenter, Cockrum, Graham and Lindsay of Howard
—4.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

RESOLUTIONS OF THE HOUSE.

Mr. Torbet submitted the following resolution:

Resolved, That immediately after the reading of the Journal every morning, the names of members absent without leave, be entered on the Journal, and that the clerk cause to be published in the papers of next day, the names of members absent without leave during the day.

On motion by Mr. Nelson,
The resolution was laid on the table.

On motion by Mr. Shanklin,

Resolved, That a committee of three be appointed to ascertain the funeral expenses of Hon. J. W. Holliday late representative from Blackford and the probable expense of conveying his remains to his friends, and report to this House.

Messrs. Shanklin, Howell and Huey, were appointed said committee.

By unanimous consent of the House,
Mr. King obtained leave and introduced

No. 208. A bill respecting compensation for causing death by wrongful act, neglect or default.

Which was read a first time and passed to a second reading.

ORDERS OF THE DAY.

House bills on second reading.

No. 198. A bill concerning the accumulation, suspension of ownership, and joint tenancy of personal property.

Was read a second time.

On motion by Mr. Stuart,
The bill was referred to the Judiciary committee.

No. 200. A bill prescribing the powers and duties of Justices, in State prosecutions.

Was read a second time.

Mr. Foster moved to lay the bill on the table and print.

And the question being put,

The ayes and noes were demanded by Messrs. Withers and Reynolds.

Those who voted in the affirmative were,

Messrs. Behm, Brady, Bryant, Buskirk, Cockrum, Cowgill, Crawford, Cromwell, Douthit, Foster, Gookins, Helmer, Hicks, Holladay, Howell, Hudson, Huey, Leviston, Linsday of Howard, Mayfield, Miller, Morris, Sale, Schoonover, Smith of Marion, Smith of Spencer, Thompson, Watson, Williams and Wilson—30.

Those who voted in the negative were,

Messrs. Barker, Beach, Carpenter, Chowning, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Doughty, Donham, Eccles, Gibson, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Henry, Holman, Huffstetter, Humphreys, Laverty, Lawrence, Lewis, Lindsey of Fayette, Major, Manson, Marrs, McAllister, McDowell, Nelson, Owen, Porter, Ray, Reynolds, Shanklin, Staton, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Torbet, Walker, Wells, Withers and Mr. Speaker—50.

So the motion did not prevail.

On motion by Mr. Suit,

The bill was referred to the Judiciary committee.

No. 202. A bill prescribing the number and defining the powers and duties of Constables.

Was read a second time.

Mr. Hudson moved to lay the bill on the table and print 100 copies.

Mr. Holman called a division of the question.

The question being first put on laying the bill on the table,

It was decided in the affirmative.

The second question then being put, on printing 100 copies of the bill,

The ayes and noes were demanded by Messrs. Gibson and Hudson.

Those who voted in the affirmative were,

Messrs. Behm, Bryant, Buskirk, Cowgill, Cromwell, Davis of Sullivan, Doughty, Douthit, Gookins, Graham, Helmer, Hicks, Holladay, Howell, Hudson, Humphreys, Miller, Sale, Shanklin, Smith of Spencer, Suit, and Thompson.—22.

Those who voted in the negative were,

Messrs. Barker, Beach, Brady, Carpenter, Chowning, Crawford, Dice, Dobson, Donham, Eccles, Foster, Gibson, Goudy, Gunn, Hanna, Hart, Hay of Clark, Henry, Holman, Huey, Huffstetter, Laverty, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Major, Manson, Marrs, Mayfield, McAllister, McDowell, Morris, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Smith of Marion, Staton, Stover, Strubie, Stuart, Sumner, Sweet, Taggart, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—56.

So the bill was not ordered to be printed.

Mr. Gibson moved the House adjourn until to-morrow morning, 9 o'clock.

Which was not agreed to.

On motion by Mr. Doughty,

The House adjourned.

2 o'clock, P. M.

The House met.

The Speaker laid before the House the report of the committee on Literature in the Senate of New York, relative to furnishing common schools with Webster's unabridged dictionary, in said State.

Which,

On motion by Mr. Owen,

Was referred to the committee on Education.

Mr. Owen, from the joint select committee on Revision, made the following report:

MR. SPEAKER:

The committee on Revision, to whom was referred the subject, have instructed me to report No. 209, a bill concerning enclosures,

trespassing animals, and partition fences; and to recommend its passage.

The bill was read a first time and passed to a second reading.

Mr. Gibson, from the joint select committee on Revision, made the following report:

MR. SPEAKER:

The select joint committee on Revision, to whom was referred House Bill No. 189, an act for the regulation of the General Assembly, enforcing the attendance of members, &c., have had the same under consideration, and have directed me to report the same back without amendment, and respectfully recommend its passage.

The bill was read a second time.

Mr. King moved to lay the bill on the table.

And the question being put,

The ayes and noes were demanded by Messrs. Withers and Gibson.

Those who voted in the affirmative were,

Messrs. Behm, Bryant, Carpenter, Cowgill, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donham, Doughty, Eccles, Foster, Gookins, Goudy, Gunn, Hanna, Hay of Clark, Helmer, Henry, Hicks, Holman, Holladay, Howell, Hudson, Humphreys, King, Laverty, Lawrence, Lindsey of Fayette, Lindsay of Howard, Major, Marrs, McAllister, Miller, Morris, Porter, Ray, Reynolds, Sale, Shanklin, Staton, Struble, Stuart, Suit, Sumner, Thompson, Walker, Watson, and Wilson—50.

Those who voted in the negative were,

Messrs. Barker, Beach, Brady, Chowning, Cockrum, Crawford, Douthit, Gibson, Graham, Huey, Leviston, Manson, Mayfield, McDowell, Nelson, Owen, Scudder, Smith of Marion, Sweet, Taggart, Wells, Williams, Withers, and Mr. Speaker—24.

So the bill was laid on the table.

Mr. Owen, from the select joint committee on Revision, made the following report:

MR. SPEAKER:

The joint committee on Revision, to whom was referred the sub-

ject, have instructed me to report No. 210, a bill regarding estrays and articles adrift; and to recommend its passage.

The bill was read a first time and passed to a second reading.

By unanimous consent of the House,

Mr. Holman submitted the following resolution:

Resolved, That the State Printer deliver to the Clerk of the House the proof sheet of the journal hereafter to be printed, for correction. Which was agreed to.

On motion by Mr. Beach,

The House then adjourned.

FRIDAY MORNING, 8 o'clock, }
April 23, 1852. }

The House met.

The clerk proceeded to read the journal of yesterday,
When,

On motion by Mr. Graham.

The further reading of the journal was dispensed with.

The Clerk proceeded to call the roll, when the following members answered to their names, viz:

Messrs. Barker, Beach, Beane, Behm, Brady, Bryant, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Gibson, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Helmer, Henry, Hicks, Holman, Howell, Hudson, Huey, Huffstetter, Humphreys, Hunt, Laverty, Lawrence, Leviston, Lewis, Lindsey of Fayette, Linsday of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McDowell, Miller, Morris, Mudgett, Nelson, Owen, Porter, Ray, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers and Mr. Speaker.

And the following members were absent without leave of the House, viz:

Messrs. Beeson, Bulla, Crim, Geddes, Holladay, King, McConnell, and McDonald.

PETITIONS, MEMORIALS &C., PRESENTED.

By Mr. Shanklin:

Two memorials from sundry citizens of Madison county, praying the passage of a law similar to the Maine law;

Which,

On motion,

Were referred to the committee on Temperance.

By Mr. Beane:

Four memorials from sundry citizens of Elkhart county, on the subject of Temperance;

Which,

On motion,

Were referred to the committee on Temperance.

By Mr. Sale:

A memorial from sundry citizens of Vermillion county, praying the passage of a law similar to the Maine law;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Behm:

A memorial from sundry citizens of Tippecanoe county, praying the passage of a law similar to the Maine law;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Hicks:

Three memorials from sundry citizens of Jennings county, praying the passage of a law similar to the Maine law;

Which,

On motion,

Were referred to the committee on Temperance.

By Mr. Hanna:

The temperance memorial of sundry citizens of Carroll county;

Which,

On motion,

Was referred to the committee on Temperance.

REPORTS FROM COMMITTEES.

Mr. Nelson, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred bill No. 196, have had the same under consideration, and directed me to report back No. 196. A bill to regulate the tariff of tolls on the Wabash and Erie Canal,

With the following amendments:

Strike out all after the preamble, and insert the following:

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall not be lawful for the trustees of the Wabash and Erie Canal to collect toll on said canal, exceeding in rates as follows:

On each 1000 pounds and in the same proportion for a greater or less weight on the following articles:

Bacon 4 mills per mile,
 Barley 4 mills per mile,
 Buckwheat 4 mills per mile,
 Brooms 4 mills per mile,
 Cotton (raw in bales) 4 mills per mile,
 Corn 4 mills per mile,
 Coffee 5 mills per mile,
 Domestic Spirits 5 mills per mile,
 Flour 4 mills per mile,
 Grind Stones 4 mills per mile,
 Grease 4 mills per mile,
 Gypsum 4 mills per mile,
 Hemp 4 mills per mile,
 Iron (pig or scrap) 4 mills per mile,
 Lead 4 mills per mile,
 Malt 4 mills per mile,
 Meal 4 mills per mile,
 Marble (unwrought) 4 mills per mile,
 Molasses 4 mills per mile,
 Nails 4 mills per mile,
 Oats 4 mills per mile,
 Oils (of all kinds) 4 mills per mile,
 Pork 4 mills per mile,
 Paper 4 mills per mile,
 Rye 4 mills per mile,
 Salt 4 mills per mile,
 Seeds (domestic except clover) 4 mills per mile,
 Sugar 4 mills per mile,

Spikes 4 mills per mile,
 Tomb Stones (not marble) 4 mills per mile,
 Tobacco (unmanufactured) 4 mills per mile,
 Wheat 4 mills per mile,
 Whiskey and high wines 4 mills per mile,
 Wool 4 mills per mile.

For each 1000 superficial feet of pine lumber reduced to inch measure, when over one inch thick, 6 mills per mille, and on all other articles not enumerated, rates not to exceed those on the Miami and Erie Canal.

SEC. 2. The Governor of this State is hereby authorized and required to negotiate with the Board of Public Works of Ohio for a reduction of tolls on so much of the Wabash and Erie Canal as lies in said State, to the same rates established by the provisions of this act.

SEC. 3. Whereas, an emergency exists for the immediate taking effect of this act, therefore, it is declared to be in force from and after its passage.

The amendments were concurred in.

On motion by Mr. Gookins,

The bill was laid on the table.

Mr. Stover from the select joint committee on Revision, made the following report:

MR. SPEAKER:

The select joint committee on Revision to whom was referred House bill No. 59, "a bill to provide for the incorporation of Railroad companies, with pending amendments," have directed me to report the following amendments to the amendment, and recommend that the amendments, when amended be adopted.

Strike out from the enacting clause and insert the following:

SECTION 1. That any number of persons, not less than fifteen, being subscribers to the stock of any contemplated Railroad, may be formed, into a corporation for the purpose of constructing, owning and maintaining such railroad, by complying with the following requirements.

Whenever stock to the amount of at least fifty thousand dollars shall have been subscribed, the subscribers to such stock shall elect directors, for such company from their own number and shall severally subscribe articles of association, in which shall be set forth the name of the corporation, the amount of the capital stock of the company, (which may be increased from time to time, if necessary, to a sum equal to the actual cost of constructing the road, together with the cost of the right of way and motive power, together with all other appurtenances and expenses necessary for the completion.

and running of said road;) the number of shares of which said stock shall consist, the number of directors, and their names to manage the affairs of the company, the name of the place from which and the place to which the proposed road is to be constructed, and each county, into which or through which it is intended to pass, and its length as near as may be.

Each subscriber to such articles of association shall state his place of residence and the number of shares taken by him in such company.

SEC. 2. Articles of association formed in pursuance of the provisions of the foregoing section, shall be filed in the office of the Secretary of State, and thereupon the persons who shall have subscribed the same, and all persons who shall from time to time become stockholders in such company, and their successors, shall be a body politic and corporate, in perpetuity, by the name stated in such articles of association, and shall be capable of suing and being sued, and may have a common seal, and may make and alter the same at pleasure, and shall be capable in law of purchasing, holding and conveying any real and personal property whatever, necessary for the construction of such road, and for the erection of all necessary buildings and yards, and appurtenances for the use of the same. A copy of any articles of association filed in pursuance of this act, and certified to be a copy by the Secretary of State or his deputy, shall, in all courts and places, be presumptive evidence of the incorporation of such company, and of the facts stated therein.

SEC. 3. The directors named in the first section of this act, shall open books for subscription to the capital stock of the company, at such times and in such places as a majority of them may direct, due notice of which shall be given; and in case a greater amount of stock shall be subscribed than the whole capital required by such company, the directors shall distribute such capital stock, so subscribed, as equally as possible among the subscribers; but no share thereof shall be divided in making such distribution, nor shall a greater number of shares be allotted to any one subscriber than by him subscribed for.

SEC. 4. There shall be an annual meeting of the stockholders, to be held in one of the counties in which or through which such road is proposed to be or may be constructed, for the election of directors, to serve for the ensuing year; notice of which, appointing a time and place, shall be given by the directors chosen as provided in the first section of this act, for the first annual election, and afterwards by their successors in office; which notice shall be published not less than twenty days previous thereto, in a newspaper published in each county through which such road shall be intended to run, (if there be stockholders residing in all of such counties, if not, then only in such counties along the line of such road or intended road as shall have stockholders residing therein) in which a newspaper shall be published; and if no newspaper be published, then by six written or printed notices put up in the most public places in such county.

Three judges of elections shall be chosen by the board of directors previous to any annual meeting of the stockholders, who shall be stockholders but not directors at the time of such elections, whose duty it shall be to receive the notes of the stockholders at such elections for directors, and who shall openly count the votes and declare the result, and shall furnish the directors elected at such meeting of the stockholders with a certificate of their election; which certificate shall be evidence of their authority to act as such directors. Not less than seven nor more than thirteen directors shall be chosen at any such meeting of stockholders; and such directors shall be chosen at such meetings of stockholders by ballot, and by a majority of the votes of the stockholders, being present in person or by proxy; and every such stockholder, being so present at any election for directors, shall be entitled to give one vote for every share of stock which he may have owned for ten days next preceding such election; but no stockholder shall vote at any such election upon any stock except such as he shall have owned for ten days. No person shall be a director unless he shall be a stockholder owning stock absolutely in his own right, and qualified to vote for directors at the election at which he shall be chosen. The directors shall hold their office for one year, and until others are elected in their places.

SEC. 5. Meetings of the stockholders may be called at any time during the interval between the annual meetings, by the directors, or by the stockholders owning not less than one-fourth of the stock, by giving thirty days' public notice of the time and place of the meetings, in the manner provided in the next preceding section for the annual meetings; and when any such meeting is called by the stockholders, the particular object of such meeting shall be stated in such notice; and if at any such meeting thus called, a majority in value of the stockholders are not represented in person or by proxy, such meeting shall be adjourned from day to day, not exceeding three days, without transacting any business; and if, within said three days, stockholders having a majority of the stock do not attend such meeting, then the meeting shall be dissolved.

SEC. 6. At a regular meeting of the stockholders of any such corporation, it shall be the duty of the President and Directors in office for the preceding year to exhibit a clear and distinct statement of the affairs of the said company, and at any meeting of the stockholders, a majority of those present in person or by proxy, may require similar statements from the directors, whose duty it shall be to furnish them when thus required, and at all general meetings of the stockholders, a majority in value of the stockholders in such company may remove any president or any director of such company and elect others in their stead: *Provided*, notice of such intended removal shall have been given as required in the two last preceding sections.

SEC. 7. In case it shall happen, at any time, that an election of

directors shall not be made on the day designated by the by-laws of the company, when it ought to have been made, the company, for that reason, shall not be dissolved, if, within ninety days thereafter, they shall hold an election for directors, in such manner as shall be provided by the by-laws of the company. There shall be a president of the company, who shall be chosen by and from the directors, and also such subordinate officers as the company, by its by-laws, may designate, who may be elected or appointed, and required to give such security for the faithful performance of the duties of their offices, as the company, by its by-laws may require. *Provided*, that nothing herein contained shall be so construed as to prevent the stockholders from removing a president and electing another in his place in the manner prescribed in the last preceding section.

SEC. 8. It shall be lawful for the directors to call in and demand from the stockholders respectively, any sums of money by them subscribed, in such payments, or instalments, as the directors shall deem proper, under the penalty of forfeiting the shares of stock subscribed for, and all previous payments made thereon, if payment shall not be made by the stockholders within thirty days after personal demand or notice, requiring such payment, shall have been made in each county, through which such road shall be laid out, in which a newspaper shall be published.

SEC. 9. The directors of such company shall have power to make by-laws for the management and disposition of stock, property, and business affairs of such company, not inconsistent with the laws of this State, and prescribing the duties of officers, artificers and servants, that may be employed, and for the appointment of all the officers for carrying on all the business within the object and purposes of such company.

SEC. 10. The stock of such company shall be deemed personal estate, and shall be transferable in the manner prescribed by the by-laws of the company, but no shares shall be transferable until all previous calls thereon shall have been fully paid in, or the shares shall have been forfeited for the non-payment of calls thereon.

SEC. 11. The president and a majority of the directors, within thirty days after the payment of the last instalment of the capital stock, so fixed and limited by the company, shall make a certificate stating the amount of the capital stock so fixed and paid in; which certificate shall be signed by the president and a majority of the directors, and sworn to by the president and secretary; and they shall, within the said thirty days, file and record the same in the office of the Secretary of State.

SEC. 12. Every such company, before proceeding to construct a part of their road into or through any county named in their articles of association, shall make a map and profile of the route intended to be adopted by such company; which shall be certified by a majority of the directors, and filed in the office of the clerk of such

county, for the inspection and examination of all parties interested therein.

SEC. 13. Every such corporation shall possess the general powers, and be subject to the liabilities and restrictions expressed in the special powers following, that is to say:

First. To cause such examination and surveys for the proposed railroad to be made, as may be necessary to the selection of the most advantageous route for the railroad, and, for such purposes, by their officers, agents and servants, to enter upon the lands or waters of any person, but subject to responsibility for all damages which they shall do thereto.

Second. To receive, hold, and take, such voluntary grants and donations of real estate and other personal property as shall be made to it, to aid in the construction, maintenance and accommodation of such railroad; but the real estate thus received by voluntary grants, shall be held and used for the purposes of such grants only.

Third. To purchase, and, by voluntary grants and donations, receive and take, and by its officers, engineers, and surveyors and agents, enter upon and take possession of and hold and use, all such lands and real estate and other property, as may be necessary for the construction and maintenance of its railroad and stations, depots and other accommodation, necessary to accomplish the objects for which the corporation is created; but not until the compensation to be made therefor, as agreed upon by the parties or ascertained as hereinafter prescribed, shall have been paid to the owner or owners thereof, or deposited as hereinafter directed unless the consent of such owner to be given to enter into possession.

Fourth. To lay out its road, not exceeding six rods wide, and to construct the same; and for the purposes of cuttings, embankments, and procuring stone and gravel, may take as much more land, within the limits of its charter, in the manner provided hereinafter, as may be necessary for the proper construction and security of the road.

Fifth. To construct their road upon or across any stream of water, water course, road, highway, railroad or canal, which the route of its road shall intersect, in such manner as to afford security for life and property; but the corporation restore the stream or water course, road or highway thus intersected, to its former state, or in a sufficient manner not to have unnecessarily impaired its usefulness or injured its franchises.

Sixth. To cross, intersect, join and unite its railroad with any other railroad before constructed at any point on its route, and upon the grounds of such other railroad company, with the necessary turn-outs, sidings and switches, and other conveniences, in furtherance of the objects of its connections; and every company whose railroad is or shall be hereafter intersected by any new railroad, shall unite with the owners of such new railroad in forming such intersections and connections, and grant the facilities aforesaid; and

if the two corporations cannot agree upon the amount of compensation to be made therefor, or the points or manner of such crossings and connections, the same shall be ascertained and determined by commissioners, to be appointed as provided hereinafter in respect to the taking of lands; but this section is not to affect the rights or franchises heretofore granted.

Seventh. To subscribe, under such directions and restrictions as may be permitted by the by-laws, or as may be adopted at any legal meeting of the stockholders, such amount of stock in any other railroad or plank road as they may deem proper, not exceeding one-fourth of the capital stock of such railroad company actually paid in, and not exceeding one-third of the capital stock of any plank road company to the stock of which such railroad company shall subscribe.

Eighth. To purchase lands or take them; may change the line of its road whenever a majority of the directors shall so determine, as is provided hereinafter; but no such change shall vary the general route of such road.

Ninth. To take, transport, carry and convey persons and property on their railroad, by the force and power of steam, of animals, or any other mechanical power, or by any combination of them, and receive tolls or compensation therefor.

Tenth. To erect and maintain all necessary and convenient buildings, stations, depots, and fixtures and machinery, for the accommodation and use of their passengers, freight and business, and obtain and hold the lands necessary therefor.

Eleventh. To regulate the time and manner in which passengers and property shall be transported, and the tolls and compensation to be paid therefor.

SEC. 14. In case any company formed under this act, is unable to agree for the purchase of any real estate, in any county, required for the purposes of its incorporation, it shall have the right to acquire the title to the same in the manner and by the special proceedings prescribed in this act.

SEC. 15. Such company is hereby authorized to enter upon any land for the purpose of examining and surveying its railroad line, and may appropriate so much thereof as may be deemed necessary for its railroad, including necessary side tracks, depots, work shops and water stations, materials for constructing, except timber, a right of way over adjacent lands, sufficient to enable such company to construct and repair its road, and a right to conduct water by aqueducts, and the right of making proper drains. The corporation shall forthwith deposit with the clerk of the circuit or other court of record of the county where the land lies, a description of the rights and interests intended to be appropriated, and such land, rights and interests shall belong to such company, to use for the purpose specified, by making payment or giving security as hereinafter provided. The corporation may, by its directors, purchase any

such lands, materials, right of way, or interest of the owner of such land, or in case the same is owned by a person insane or an infant, at a price to be agreed upon by the regular constituted guardian or parent of said insane person or infant, if the same shall be appraised by the court in which the description aforesaid shall be filed; and, on such agreement and approval, the owner, guardian or parent, as the case may be, shall convey the said premises so purchased, in fee simple or otherwise, as the parties may agree, to such railroad company; and the deed, when made, shall be deemed valid in law. If the corporation shall not agree with the owner of the land, or with his guardian; if the owner is incapable of contracting, touching the damages sustained by such appropriation, such corporation shall deliver to the owner, or guardian within the county, a copy of such instrument of appropriation. If the owner, or his guardian in case such owner is incapable of contracting, be unknown, or do not reside within the county, such corporation shall publish in some newspaper of general circulation in the county, for the term of three weeks, an advertisement, reciting the substance of such instrument of appropriation. Upon fixing such act of appropriation and delivery of such copy, or making such publication, the circuit court or other court of record in the county where the land lies, or any judge thereof in vacation, upon application of either party, shall appoint by warrant, three disinterested freeholders of such county to appraise the damages which the owner of the land may sustain by such appropriation; such appraisers shall be duly sworn—they shall consider the benefit as well as injury which such owner may sustain by reason of such railroad, and shall forthwith return their assessment of damages to the clerk of such court, setting forth the value of the property taken, or injury done to the property, the amount of benefit conferred, and the difference between the damage done to the property taken, which they assess to such owner or owners separately, to be by him filed and recorded: and thereupon such corporation shall pay to said clerk the amount thus assessed, or secure the payment to the satisfaction of such court, or of the judge issuing the warrant. And on making the payment or tender thereof to such clerk, or on giving such security as may be required, it shall be lawful for such corporation to hold the interests in such lands or materials so appropriated, and the privilege of using any materials on said roadway within fifty feet on each side of the centre of such roadway, for the uses aforesaid. The cost of such award shall be paid by such company; and on motion by any party interested and showing said proceedings, the court may order payment thereof, and enforce such payment by execution. The award of said arbitrators may be reviewed by the circuit court or other court in which such proceedings may be had, on written exceptions filed by either party in the clerk's office, within ten days after the filing of such award; and the court shall take such order therein as right and justice may require, by ordering a new appraisement, on good cause shown.

Provided, That notwithstanding such appeal, such company may take possession of the property therein described, as aforesaid, and the subsequent proceedings on the appeal shall only affect the amount of compensation to be allowed; if, prior to the assessment, the corporation shall tender to such owner, or his guardian, if he be unable to contract, an amount equal to the award afterwards made, exclusive of costs, the costs of arbitration shall be paid equally by such company, and such owner or guardian.

SEC. 16. If there are adverse or conflicting claimants to the money or any part of it to be paid as compensation for the real estate taken, the court may direct the money to be paid into the said court by the company, or take security for the same, until it can determine who is entitled to the same, and shall direct to whom the same shall be paid, and may in its discretion, order a reference to ascertain the facts on which such determination and order are to be made.

SEC. 17. The court shall appoint some competent attorney to appear for and protect the rights of any party in interest who is unknown, and who has not appeared in the proceedings by an attorney or agent; the court shall also have power at any time to amend any defect or informality in any of the special proceedings authorized by this act, as may be necessary, or to cause new parties to be added, and to direct such further notices to be given to any party in interest, as it deems proper, and also to appoint other commissioners in the place of any who shall die, or refuse, or neglect, or are unable to serve, or who may leave or be absent from the State.

SEC. 18. At any time after an attempt to acquire title by appraisal of damages, or otherwise, if it shall be found that the title thereby attempted to be acquired is defective, the company may proceed anew to acquire or perfect the same, in the same manner as if no appraisal had been made, and at any stage of such new proceedings, the court may authorize the corporation, if in possession, to continue in possession, and if not in possession, to take possession of and use such real estate during the pendency and until the final conclusion of such new proceedings, and may stay all actions and proceedings against the company, or any officer, agent, or workmen of such company, on account thereof, on such company paying into the court a sufficient sum, or giving security, as the court may direct, to pay the compensation therefor, when finally ascertained, and in every such case, the party interested in such real estate may conduct the proceedings to a conclusion, if the company delays or omits to prosecute the same.

SEC. 19. Such company may from time to time borrow such sums of money as they may deem necessary for completing or operating their railroad, and to issue and dispose of their bonds for any amounts so borrowed for such sums, and at such rate of interest as they may deem advisable, and to mortgage their corporate property and franchises to secure the payment of any debt contracted by such company, and the directors of the company may confer on any hold-

er of any bond issued for money borrowed as aforesaid, the right to convert the principal due or owing thereon into stock of said company, at any time not exceeding fifteen years from the date of said bond, under such regulations as the company may adopt, and such company may sell their bonds either within or without this State, at such rates, and prices as they may deem proper, and such sale shall be as valid as if the such bonds should be sold at par value.

SEC. 20. For the purpose of providing means for the payment of its debts, and for the construction of its road, materials or equipments, such company may issue a preferred stock to an amount not exceeding one half of the amount of its capital, with such priority over the remaining stock of such company, in the payment of dividends, as the directors of such company may determine, and shall be approved by a majority of the stockholders.

SEC. 21. If at any time after the location of the track of such road, in whole or in part, and the filing of the map thereof, it shall appear to the directors of such company that the line thereof may be improved, such directors may from time to time alter the line and cause a new map to be filed in the office where the map showing the first location is filed, and may thereupon take possession of the lands embraced in such new location that may be required for the construction and maintenance of such road on such new line, either by agreement with the owner, or by such proceedings as are authorized under the preceding sections of this act, and use the same in the place of the line for which the new is substituted. Nothing in this act shall authorize the said company to make a location of their track within any city without the consent of the common council of said city; nor shall the company have power so to change their road as to avoid any point named in their articles of association.

SEC. 22. Whenever the track of such railroad shall cross a road or highway, such road or highway may be carried under or over the track, as may be most expedient; and in cases where an embankment or cutting shall make a change in the line of such road or highway desirable, with a view to a more easy ascent or descent, the said company may take such additional lands for the construction of such road or highway, or such new line as may be deemed requisite by said directors. Unless the lands so taken shall be purchased or voluntarily given for the purposes aforesaid, compensation therefor shall be ascertained in the manner in this act provided, as nearly as may be, and duly made by such corporation to the owners and persons interested in such lands; the same when so taken or compensation made, to become part of such intersecting road or highway, in such manner and by such terms as the adjacent parts of the same highway may be held for highway purposes.

SEC. 23. If any corporation shall, for its purpose aforesaid, require any land belonging to the State, or to any county or town, the General Assembly, and the county and town officers respectively having charge of such lands, may grant such lands to such corpora-

tion, upon such terms as shall be agreed upon; and if they shall not so agree, the same may be taken by the corporation in the same manner as provided in other cases.

SEC. 24. Every conductor, baggage master, engineer, brakeman, or other servant of any such railroad corporation, employed in a passenger train, or at stations for passengers, shall wear upon his hat or cap a badge, which shall indicate his office, and the initial letters of the style of the corporation by which he is employed. No conductor or collector without such badge, shall demand, or be entitled to receive from any passenger any fare, toll or ticket, or exercise any of the powers of his office; and no other of said officers or servants without such badge, shall have any authority to meddle or interfere with any passenger or property.

SEC. 25. Every such corporation shall make an annual report to the Secretary of State of the operations of the year ending on the first day of January; which report shall be verified by the oaths of the treasurer and acting superintendent of operations, and filed in his office by the tenth day of January in each year, and shall state,

First. The capital stock, and the amount actually paid in.

Second. The amount expended for the purchase of lands for the construction of the road, for buildings, and for engines and cars respectively.

Third. The amount and nature of its indebtedness, and the amounts due the corporation.

Fourth. The amount received for the transportation of passengers, of property, of mails, and from other sources.

Fifth. The amount of freight, specifying the quantity in tons, of the products of the forest, of animals, of vegetable food, other agricultural products, manufactures, merchandize and other articles.

Sixth. The amount paid for repairs, engines, cars, buildings, and salaries.

Seventh. The number and amount of dividends, and when paid.

Eighth. The number of engine houses and shops, of engines, and cars, and their character.

Ninth. The number of miles run by passengers, freight, and other trains, respectively.

SEC. 26. This State shall have a lien upon all railroads of said corporations, and their appurtenances and stock therein, for all penalties, taxes and dues, which may accrue to the State from such corporations, which lien of the State shall have precedence of all demands, judgments or decrees, against said corporations, and the citizens of this State shall have a lien upon all personal property of said corporations, to the amount of one hundred dollars, originally contracted within this State, which, after said lien of the State shall take precedence of all other debts, demands, judgements or decrees, liens or mortgages against such corporation.

SEC. 27. Any such corporation shall when applied to by the

Postmaster General, convey the mails of the United States on their road, and in case such corporation shall not agree to the rates of transportation thereof, and as to time, rate of speed, manner and condition of carrying the same, the Governor of this State may appoint three commissioners, who, or a majority them, after fifteen days' notice in writing of the time and place of meeting to the corporation shall determine and fix the prices, times and conditions aforesaid, but such prices shall not be less for conveying said mails in the regular passenger trains than the amount which said corporation would receive as freight on a like weight of merchandize transported in their merchandize trains, and a fair compensation for the Post Office car, and in case the Post Master General shall require the mail to be carried at other hours, and at a higher speed than the passenger trains are run at, the corporation shall furnish an extra train for the mail, and be allowed an extra compensation therefor.

SEC. 28. If any passenger shall refuse to pay his fare or toll, the conductor of the train, and the servants of the corporation, may put him out of the cars, at any usual stopping place.

SEC. 29. Every such corporation shall start and run their cars for the transportation of passengers and property, at regular times, to be fixed by public notice, and shall furnish sufficient accommodations for the transportation of all such passengers and property as shall, within a reasonable time previous thereto, offer, or be offered, for transportation, at the place of starting, and the junctions of other railroads, and at siding and other stopping places established for receiving and discharging way passengers and freight, and shall take, transport and discharge such passengers and property at, from and to such places, on the due payment of tolls, freight or fare therefor.

SEC. 20. In case of the refusal by such corporation, or their agents, so to take and transport any passenger or property, or to deliver the same at the regular or appointed place, such corporation shall pay to the party aggrieved all damages which shall be sustained thereby, with costs of suit.

SEC. 31. In forming a passenger train, baggage or freight or merchandize or lumber cars, shall not be placed in rear of passenger cars, and if they or any of them, shall be so placed, and any accident shall happen to life or limb, the officer or agent who so directed or knowingly suffered such arrangement, and the conductor or engineer of the train, shall each and all be held guilty of intentionally causing the injury, and be punished accordingly.

SEC. 32. In case any passenger on any railroad shall be injured on the platform of a car, or on any baggage, wood or freight car, in violation of the printed regulation of the company, posted up at the time in a conspicuous place inside of its passenger cars, then in the train, such company shall not be liable for the injury: *Provided*, said company at the time furnished room inside its passenger cars, sufficient for the proper accommodation of the passengers.

SEC. 33. Every corporation shall, within a reasonable time after their road shall be located, cause to be made:

First. A map and profile thereof, and of the land taken and obtained for the use thereof, and file the same in the office of the Secretary of State, and also like maps of the parts thereof located in different counties, and file the same in the office of the clerk of the county in which said parts of said road shall be, there to remain as of record forever.

Second. A certificate specifying the line upon which it is proposed to construct the railroad, and the grades and curves.

SEC. 34. If any such corporation shall not, within three years after its incorporation, begin the construction of its road, and expend thereon five per centum on the amount of its capital, and finish the road and put it in full operation in ten years thereafter, its act of incorporation shall become void.

SEC. 35. All existing railroad corporations within this State shall, respectively, have and possess all the powers and privileges conferred by this act, so far as they shall be applicable to their present condition; also,

First. Strike out of the amendment section 35.

Second. Add after section 34, the following section:

SEC. 35. Railroad companies may increase the amount of their capital stock, by filing in the office of Secretary of State, a certificate, stating the amount of such desired increase, and the reasons, or necessity for the same, signed by the president, and a majority of the directors, and attested by the secretary and seal of such company.

SEC. 36. All existing railroad companies may acquire, all or any of the powers, or benefits, conferred by this act, by filing an acceptance, thereof, in the office of Secretary of State, properly attested as the corporate act of such company, setting forth specifically, what portion of this act is so accepted, thereupon such company shall possess such powers so accepted as fully as the same would have had if organized under this act.

The amendment to the amendment was concurred in.

The question then recurred on the adoption of the amendment as amended.

Which was agreed to.

On motion by Mr. Behm,

The amendment was laid upon the table.

Mr. Owen from the joint select committee on Revision made the following report:

MR. SPEAKER:

The joint committee on Revision, to whom was referred bill of

the House No. 79, an act authorizing the construction of plank, McAdamized and gravel roads, with amendments thereto by the Senate, pending between the two Houses, report the same back and recommend that the House concur in the 3d, 4th, 6th, 7th and 8th amendments; that the House concur in the 1st and 2d amendments with an amendment; that the House concur in the 5th amendment with an amendment, and that the House concur in the 9th amendment with an amendment; the said amendments to the amendments of the Senate being herewith reported. And they ask to be discharged from the further consideration of the subject.

First. Strike out Senate amendments 1 and 2, and insert in lieu thereof the following:

Amend section 4 by inserting, after the word county, in the 5th line, the words: "entered of record and granted upon such conditions as to such board may seem just and reasonable."

Second. Strike out Senate amendment No. 5, and insert in lieu thereof the following:

Insert, after the word "road," in the 11th line of section 13, the words:

"But on any incompleated road of less than five miles, tolls shall be charged for one year only."

Also, strike out, in the same line, the words "not exceeding," and insert: "the tariff of tolls shall not exceed."

Third. Add to Senate amendment No. 9, the following additional section:

SEC. —. As bridge-toll on any bridge costing fifteen hundred dollars or more, erected on any such road by the company constructing such road, the company may charge one mile's toll for the first fifteen hundred dollars cost of such bridge, and one third of a mile's toll for every additional five hundred dollars of such cost, up to seven thousand five hundred dollars, and no more: *Provided*, That before such bridge toll is so charged, the President of such company shall have made and filed, in the proper clerk's office, an affidavit setting forth the amount expended by such company on such bridge.

The 3d, 4th, 6th, 7th and 8th amendments of the Senate were concurred in, and the 1st, 2d, 5th and 9th amendments of the Senate, with the amendments proposed by the committee.

Ordered that the Clerk inform the Senate thereof.

Mr. Gibson, from the joint select committee on Revision, made the following report:

MR. SPEAKER:

The joint select committee on Revision, to whom was referred the subject, have instructed me to report No. 211, a bill regulating

the granting of divorces, nullification of marriages, and decrees and orders of court incident thereto, and to recommend its passage.

The bill was read a first time and passed to a second reading.

Mr. Gibson from the select joint committee on Revision made the following report:

MR. SPEAKER:

The select joint committee on Revision to whom was referred the subject, have instructed me to report No. 212, a bill regulating prosecutions in cases of bastardy, and providing for the support of illegitimate children, and to recommend its passage.

The bill was read a first time and passed to a second reading.

Mr. Stover, from the select joint committee on Revision, made the following report:

MR. SPEAKER:

The select joint committee on Revision, to whom was referred the subject have instructed me to report No. 213, a bill touching official bonds and oaths; and to recommend its passage.

The bill was read a first time and passed to a second reading.

Mr. Stover from the select joint committee on Revision, made the following report:

MR. SPEAKER:

The select joint committee on Revision have had under consideration Senate bill No. 79, in relation to fencing the Tippecanoe battle ground, and direct me to report the same back without amendment, and recommend its passage.

The bill was read a third time.

The question being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Behm, Brady, Bryant, Buskirk, Chowning, Cockrum, Crawford, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Gibson, Gookins, Goudy, Graham, Gunn, Hart, Hay of Clark, Helmer, Henry, Hicks, Howell, Hudson, Huey, Huffstetter, Humphreys, Hunt, King, Laverty, Lawrence, Leviston, Lewis, Lind-

sey of Fayette, Linsday of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, Miller, Morris, Nelson, Owen, Porter, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stover, Struble, Stuart, Suit, Sumner, Sweet, Thompson, Torbet, Walker, Watson, Wells, Williams, Withers and Mr. Speaker—77.

Those who voted in the negative were,

Messrs. Mudget, Ray, Taggart, and Wilson—4.

So the bill passed,

Ordered that the Clerk inform the Senate thereof.

Mr. Owen, from the select joint committee on Revision, made the following report:

MR. SPEAKER:

The select joint committee on Revision, to whom was referred House bill No. 155, regulating the taking up and impounding of animals, report the same back, and recommend that it lie on the table, the subject being, in their opinion, sufficiently provided for in a general bill reported by them regarding trespassing animals; and they ask to be discharged from the further consideration of the subject.

The question being on concurring in the report of the committee, Mr. Owen called a division of the question.

The question being first put on discharging the committee,

It was decided in the affirmative.

The second question being put on laying the bill on the table,

It was decided in the affirmative.

Mr. Laverty, from the joint committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The joint committee on Enrolled Bills have this day presented to his excellency the Governor, for his approval, enrolled bill of the House No. 152.

Mr. Laverty, from the joint committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The joint committee on Enrolled Bills, have this day presented to

the Governor for his approval and signature, enrolled bill of the House No. 197.

Mr. Smith of Marion, chairman of the committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The committee on Enrolled Bills have compared the following enrolled with the engrossed bill of the House of the corresponding number, and find the same correctly enrolled:

No. 197. An act explanatory to the act entitled "an act providing for the election of town and city officers, and prescribing the qualifications of voters in such elections," approved March 10, 1852, and to provide for filling vacancies in the office of councilman or trustee.

Whereupon the Speaker signed the same.

Ordered, that the clerk inform the Senate thereof.

ORDERS OF THE DAY.

House bills on second reading.

No. 203. A bill regulating general elections, and prescribing the duties of officers in relation thereto;

Was read a second time.

Mr. Behm moved to recommit the bill to the Judiciary committee, with instructions "to define the meaning of the word residence."

Mr. Donaldson moved to amend the instructions as follows, viz:

First. That place shall be considered and held to be the residence of a person, in which his habitation is fixed, without any present intention of removing therefrom, and to which, whenever he is absent, he has the intention of returning.

Second. A person shall not be considered or held to have lost his residence, who shall leave his home and go into another State or county of this State, for temporary purposes merely, with an intention of returning.

Third. A person shall not be considered or held to have gained a residence in any county of this State into which he shall come for temporary purposes merely, without the intention of leaving the same when he shall have gotten through with the business that brought him into it.

Fourth. If a person remove to another State, with an intention to make it his permanent residence, he shall be considered and held to have lost his residence in this State.

Fifth. If a person remove to another State, with an intention of remaining there for an indefinite time, and as a place of present residence, he shall be considered and held to have lost his residence in this State, notwithstanding he may entertain an intention to return at some future period.

Sixth. The place where a married man's family resides, shall generally be considered and held to be his residence; but if it is a place of temporary establishment for his family, or for transient objects, it shall be otherwise.

Seventh. If a married man has his family fixed in one place, and he transacts his business in another, the former shall be considered and held to be the place of his residence.

Eighth. The mere intention to acquire a mere residence, without the fact of removal, shall avail nothing, neither shall the fact of removal, without the intention.

Ninth. If a person shall go into another State, and while there exercise the right of a citizen by voting, he shall be considered and held to have lost his residence in this State.

Mr. Gibson moved to lay the instructions on the table ;

And the question being put,

The ayes and noes were demanded by Messrs. Gibson and Donaldson.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Brady, Bryant, Chowning, Crawford, Davis of Sullivan, Dice, Dobson, Donham, Douthit, Eccles, Gibson, Hanna, Hart, Henry, Howell, Huey, Huffstetter, Humphreys, Hunt, Lavery, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Morris, Nelson, Porter, Ray, Schoonover, Smith of Marion, Stover, Stuart, Sweet, Taggart, Wells, Williams, Wilson, Withers, and Mr. Speaker—43.

Those who voted in the negative were,

Messrs. Behm, Buskirk, Carpenter, Cockrum, Cowgill, Cromwell, Davis of Franklin, Donaldson, Doughty, Foster, Gookins, Goudy, Graham, Gunn, Hay of Clark, Helmer, Hicks, Holman, Hudson, King, Lawrence, Leviston, Manson, Marrs, Mayfield, McAllister, Miller, Mudgett, Reynolds, Sale, Scudder, Shanklin, Smith of Spencer, Staton, Struble, Suit, Sumner, Thompson, Torbet, Walker, and Watson—41.

So the instructions were laid on the table.

Mr. Behm moved to lay the bill on the table.

And the question being put,

The ayes and noes were demanded by Messrs. Behm and Gibson.

Those who voted in the affirmative were,

Messrs. Behm, Carpenter, Cockrum, Cowgill, Cromwell, Davis of Franklin, Donaldson, Doughty, Douthit, Gookins, Goudy, Graham, Gunn, Hay of Clark, Helmer, Hicks, Hudson, King, Manson, Marrs, Mayfield, Shanklin, Smith of Spencer, Staton, Suit, Sumner, Walker, and Watson—28.

Those who voted in the negative were,

Messrs. Barkér, Beach, Beane, Brady, Bryant, Buskirk, Chowning, Crawford, Davis of Sullivan, Dice, Dobson, Donham, Eccles, Foster, Gibson, Hanna, Hart, Henry, Holman, Howell, Huey, Huffstetter, Humphreys, Hunt, Lavery, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, McAllister, Miller, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Sale, Schoonover, Scudder, Smith of Marion, Stover, Struble, Stuart, Sweet, Taggart, Thompson, Torbet, Wells, Williams, Wilson, Withers and Mr. Speaker—57.

So the bill was not laid on the table.

The question then recurred on committing the bill to the Judiciary committee;

And being put,

It was decided in the affirmative.

No. 204. A bill concerning the partition of lands.
Was read a second time.

Mr. King submitted the following amendment:

Strike out section 21 and insert, "whenever the purchase money for the land sold has been duly paid the commissioner may at once execute or the court may appoint a person or order the commissioner to execute a conveyance or conveyances therefor to the purchaser which shall bar all claim of such owners to said lands as effectually as if they themselves had executed the same."

On motion by Mr. Buskirk,
The bill and pending amendments were laid on the table.

No. 205. A bill providing for contesting the election to any State, district, county, circuit or township office;

Was read a second time, and

Ordered to be engrossed.

By unanimous consent of the House,

Mr. Holman chairman of the committee on the Judiciary made the following report:

MR. SPEAKER:

The committee on the Judiciary, to whom was referred House bill No. 193, entitled, "an act concerning mortgages," and pending amendment, have had the same under consideration, and instructed me to report the bill back with the following amendments, and when so amended, recommend its passage.

Strike out all of the bill from Sec. 2 to Sec. 16, inclusive and insert the following:

SEC. 2. No mortgage shall be construed as implying a covenant for the payment of the sum intended to be secured so as to enable the mortgagee, his assignees or representatives, to maintain an action for the recovery of such sum; and where there is no express covenant contained in the mortgage for such payment and no bond or other separate instrument to secure such payment shall have been given, the remedies of the mortgagee shall be confined to the lands mentioned in the mortgage.

SEC. 3. No mortgage of real estate or instrument operating as or having the legal effect of a mortgage hereafter executed shall authorize the mortgagee to sell the mortgaged premises; but every such sale shall be made under a judicial proceeding.

Every mortgagee of land whose mortgage has been recorded, having received full payment of the sum or sums of money therein specified, from the mortgagor, shall, at the request of such mortgagor, enter satisfaction on the margin or other proper place in the record of such mortgage, which shall operate as a complete release and discharge thereof.

Where such mortgage has been paid and satisfied by the mortgagor, he may take a certificate thereof, duly acknowledged by the mortgagee or his lawful agent, as herein required for the acknowledgment of conveyances to entitle the same to be recorded, which certificate and acknowledgment shall be recorded by the recorder in whose office such mortgage is recorded, with a reference to the book and page containing the record of the mortgage aforesaid; and such recorded certificate shall forever discharge and release the mortgagor from such mortgage, and forever bar all suits and actions thereon.

Pending which,

On motion by Mr. Brady,
The House adjourned.

2 o'clock, P. M.

The House met.

On motion by Mr. Doughty,
Leave of absence was granted Mr. Holladay on account of sickness.

ORDERS OF THE DAY RESUMED.

The question pending at last adjournment being on concurring in the amendment reported by the committee on the Judiciary to House bill,

No. 193. A bill concerning mortgages;

Mr. Gibson moved to amend the amendment by striking out "2d" and insert the "3d" section.

And the question being put;

The ayes and noes were demanded by Messrs. Stover and Gibson.

Those who voted in the affirmative were,

Messrs. Brady, Crawford, Davis of Sullivan, Dice, Dobson, Donham, Eccles, Gibson, Hanna, Henry, Huffstetter, Humphreys, Hunt, Laverty, Lindsey of Fayette, Litchfield, Manson, Morris, Nelson, Owen, Ray, Reynolds, Schoonover, Stover, Sweet, Taggart, Wells, Williams, Withers, and Mr. Speaker—31.

Those who voted in the negative were,

Messrs. Beach, Beane, Behm, Bryant, Carpenter, Cockrum, Cromwell, Davis of Franklin, Donaldson, Doughty, Douthit, Gookins, Goudy, Graham, Gunn, Hay of Clark, Helmer, Hicks, Holman, Hudson, King, Lawrence, Leviston, Major, Marrs, Mayfield, McAllister, Miller, Sale, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Struble, Stuart, Suit, Sumner, Thompson, Torbet, Walker, Watson, and Wilson—43.

Which motion did not prevail.

Mr. Gibson moved to lay the amendments on the table.

And the question being put,

The ayes and noes were demanded by Messrs. Stover and Gibson.

Those who voted in the affirmative were,

Messrs. Barker, Crawford, Dice, Gibson, Henry, Lavery, Litchfield, Manson, Nelson, Reynolds, Schoonover, Stover, Sweet, Williams, Withers and Mr. Speaker—17.

Those who voted in the negative were,

Messrs. Beach, Behm, Brady, Bryant, Buskirk, Carpenter, Cockrum, Cowgill, Davis of Franklin, Davis of Sullivan, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Gookins, Goudy, Graham, Hanna, Harrison, Hay of Clark, Helmer, Hicks, Holman, Howell, Hudson, Huffstetter, Humphreys, Hunt, King, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Marrs, Mayfield, McAllister, Miller, Morris, Owen, Sale, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Struble, Stuart, Suit, Sumner, Taggart, Thompson, Torbet, Walker, Watson, Wells, and Wilson—60.

So the motion did not prevail.

The question then recurred on the adoption of the amendments reported by the Judiciary committee.

And being put;

The ayes and noes were demanded by Messrs. Gibson and Holman.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Behm, Brady, Bryant, Buskirk, Carpenter, Cockrum, Cowgill, Davis of Franklin, Davis of Sullivan, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Gookins, Goudy, Graham, Gunn, Hanna, Helmer, Hicks, Holman, Howell, Hudson, Humphreys, Hunt, King, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Marrs, Mayfield, McAllister, Miller, Morris, Nelson, Owen, Ray, Sale, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, and Wilson—62.

Those who voted in the negative were,

Messrs. Barker, Crawford, Dice, Gibson, Hay of Clark, Henry, Huffstetter, Lavery, Manson, Reynolds, Schoonover, Stover, Williams, Withers, and Mr. Speaker—15.

So the amendments were concurred in.

The bill was then ordered to be engrossed.

Mr. Owen, from the select joint committee on Revision, made the following report:

MR. SPEAKER:

The select joint committee on Revision, to whom was referred Senate bill No. 70, providing for the colonization of negroes and mulattoes, report the same back, recommend its passage without the pending amendment, and ask to be discharged from the further consideration of the subject.

The bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Behm, Bryant, Carpenter, Dice, Doughty, Eccles, Gibson, Gookins, Gunn, Hanna, Hay of Clark, Helmer, Henry, Hicks, Holman, Hudson, Hunt, King, Laverty, Lawrence, Leviston, Lindsey of Fayette, Linsday of Howard, Litchfield, Major, Marrs, Mayfield, Miller, Mudget, Owen, Reynolds, Sale, Schoonover, Shanklin, Staton, Struble, Stuart, Suit, Sweet, Torbet, Williams, and Mr. Speaker—44.

Those who voted in the negative were,

Messrs. Barker, Brady, Buskirk, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dobson, Donaldson, Donham, Douthit, Foster, Goudy, Graham, Howell, Huffstetter, Humphreys, Lewis, Manson, McAllister, Morris, Nelson, Ray, Scudder, Smith of Marion, Smith of Spencer, Stover, Sumner, Taggart, Thompson, Walker, Watson, Wilson, and Withers—37.

So the bill did not pass.

No. 206. A bill for the protection of lands held by, or mortgaged to the State, and concerning charges therein;

Was read a second time, and ordered to be engrossed.

No. 207. A bill providing for the surrender of the public works; Was read a second time.

On motion by Mr. Suit,

The bill was referred to the committee on Canals and Internal Improvements.

No. 208. A bill respecting compensation for causing death by wrongful act, neglect or default;

Was read a second time.

On motion by Mr. King,

The bill was referred to the Judiciary committee, with instructions to provide for restricting right of action to cases of deceased persons having a widow or children, or either.

No. 209. A bill concerning enclosures and trespassing animals, and partition fences;

Was read a second time.

On motion by Mr. Holman,

The bill was referred to the committee on Agriculture.

No. 210. A bill regarding estrays, and articles adrift;

Was read a second time.

On motion by Mr. King,

The bill was referred to a select committee of three.

Messrs. King, Stuart and Holman were appointed said committee.

On motion by Mr. Withers,

Senate joint resolution No. 114. A joint resolution declaring the bridge over the Ohio river at Wheeling, Virginia, a post route;

Was taken from the table and ordered to a third reading.

On motion by Mr. Holman,

The House then adjourned.

SATURDAY MORNING, 8 o'clock, }
April 24, 1852. }

The House met.

The clerk proceeded to read the journal of yesterday.

Mr. Davis of Franklin moved to dispense with the reading of the journal.

Which was not agreed to.

The clerk proceeded to a further reading of the journal,

When,

On motion by Mr. Hay of Clark,

The further reading of the journal was dispensed with.

The Clerk proceeded to call the roll, when the following members answered to their names, viz:

Messrs. Barker, Beach, Beane, Behm, Brady, Bryant, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Gibson, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holman, Howell, Hudson, Huey, Huffstetter, Humphreys, Hunt, King, Lavery, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, Miller, Morris, Mudgett, Nelson, Owen, Porter, Ray, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker.

And the following members were absent without leave of the House, viz:

Messrs. Beeson, Bulla, Geddes, McConnell, and McDonald.

On motion by Mr. Reynolds,

Leave of absence was granted Mr. McDowell until this evening, and his name was stricken from the list of absentees.

Mr. Doughty moved, that when this House adjourn, it adjourn to meet on Monday morning 8 o'clock.

Which was agreed to.

PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Hanna:

Several memorials from citizens of Carroll county praying the passage of a law similar to the Maine law;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Hicks:

The memorial of sundry ladies of Jennings county, praying the passage of a law similar to the Maine law;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Morris:

A memorial from sundry ladies and gentlemen of Henry county, praying the passage of a law similar to the Maine law;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Hay of Clark :

A memorial from sundry citizens of Clark county, praying the passage of a law similar to the Maine law ;

Which,

On motion,

Was referred to the committee on Temperance.

REPORTS FROM COMMITTEES.

Mr. Holman, chairman of the committee on the Judiciary, made the following report :

MR. SPEAKER :

The committee on the Judiciary to whom was referred House bill No. 201, entitled "an act regulating descents and the apportionment of estates," have had the same under consideration, and instructed me to report the same back with the following amendments and ask to be discharged from the further consideration of the same.

Strike out sections 27, 29, 32, 33, and 35.

The question being put on concurring in the amendments reported by the Judiciary committee.

It was decided in the affirmative.

The bill was then considered as engrossed.

Mr. Hanna, from the committee on Military Affairs made the following report :

MR. SPEAKER :

The committee on Military Affairs, to which was referred the communication of the Adjutant General of State, to his Excellency the Governor, have had the same under consideration, and have directed me to report the same to the House, and recommend that it be laid upon the table, and two hundred copies ordered to be printed for the use of the members of this House.

Which report was concurred in.

Mr. Barker, from a select committee, made the following report :

MR. SPEAKER :

The select committee to whom was referred the petition of sundry citizens of the counties of Dubois and Pike, praying the repeal of an act declaring Flat creek in said counties, a navigable stream, and the remonstrance of other citizens of said counties, against the re-

peal of said act, have, according to order, had the same under consideration, and directed me to report, that in the opinion of the committee it is inexpedient to grant the prayer of the petitioners, and ask to be discharged from the further consideration of the subject.

Which report was concurred in.

Mr. Owen, from the select joint committee on Revision, made the following report:

MR. SPEAKER:

The select joint committee on Revision, to whom was referred the subject, have instructed me to report No. 214, a bill concerning promissory notes and bills of exchange; and to recommend its passage.

The bill was read a first time and passed to a second reading.

Mr. Owen, from the select joint committee on Revision, made the following report:

MR. SPEAKER:

The select joint committee on Revision, to whom was referred the subject, have instructed me to report No. 215, a bill to encourage the growth of silk; and to recommend its passage.

The bill was read a first time and passed to a second reading.

Mr. Owen, from the select joint committee on Revision, made the following report:

MR. SPEAKER:

The select joint committee on Revision, to whom was referred the subject, have instructed me to report No. 216, a bill regarding inspectors of salt, beef, pork, flour, tobacco and hay; and to recommend its passage.

The bill was read a first time, and passed to a second reading.

Mr. Owen, from the select joint committee on Revision, made the following report:

MR. SPEAKER:

The select joint committee on Revision, to whom was referred the subject, have instructed me to report No. 217, a bill concerning unlawful detention of lands, and the recovery thereof; and to recommend its passage.

The bill was read a first time and passed to a second reading.

Mr. Owen, from the joint select committee on Revision, made the following report:

MR. SPEAKER:

The joint select committee on Revision, to whom was referred the subject, have instructed me to report No. 218, a bill to regulate electric telegraph companies; and to recommend its passage.

The bill was read a first time, and passed to a second reading.

RESOLUTIONS OF THE HOUSE.

Mr. Smith of Marion submitted the following resolution:

Resolved, That the publication of absentees contemplated by a resolution of this House, be hereafter made by the reporters in the proceedings, and that no person absent at roll call, shall be published or entered on the journal as an absentee, when he takes his seat in the House within one hour of such roll call, and sends his name to the clerk and reporters.

Mr. Gibson moved to indefinitely postpone the resolution.

And the question being put,

The ayes and noes were demanded by Messrs. Gibson and Reynolds.

Those who voted in the affirmative were,

Messrs. Beane, Behm, Bryant, Chowning, Cockrum, Crawford, Crim, Davis of Sullivan, Donham, Douthit, Foster, Gibson, Goudy, Gunn, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Howell, Hudson, Huey, Huffstetter, King, Leviston, Lindsey of Fayette, Litchfield, Mayfield, McAllister, Mudget, Nelson, Ray, Reynolds, Schoonover, Scudder, Smith of Spencer, Staton, Stover, Struble, Suit, Sumner, Sweet, Taggart, Thompson, Wells, Williams, Wilson, Withers and Mr. Speaker—50.

Those who voted in the negative were,

Messrs. Barker, Brady, Buskirk, Carpenter, Cromwell, Davis of Franklin, Donaldson, Eccles, Gookins, Graham, Hanna, Holman, Lavery, Lawrence, Lewis, Lindsay of Howard, Major, Manson, Marrs, Miller, Owen, Porter, Sale, Shanklin, Smith of Marion, Stuart, Torbet and Watson—28.

So the resolution was indefinitely postponed.

Mr. Gibson moved to reconsider the vote just taken.

Mr. Smith of Marion moved to lay the motion to reconsider on the table.

And the question being put,

The ayes and noes were demanded by Messrs. Gibson and Douthit.

Those who voted in the affirmative were,

Messrs. Brady, Buskirk, Crim, Cromwell, Davis of Franklin, Donaldson, Donham, Doughty, Eccles, Gookins, Graham, Hart, Holman, Howell, Hudson, Hunt, Lawrence, Lindsay of Howard, Major, Manson, Marrs, Miller, Owen, Porter, Sale, Shanklin, Smith of Marion, Thompson, Torbet and Watson—30.

Those who voted in the negative were,

Messrs. Barker, Beane, Behm, Bryant, Chowning, Cockrum, Cowgill, Crawford, Davis of Sullivan, Dice, Dobson, Douthit, Foster, Gibson, Goudy, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Huey, Huffstetter, Humpheys, King, Lavery, Leviston, Lewis, Lindsey of Fayette, Litchfield, Mayfield, McAllister, Mudgett, Nelson, Ray, Reynolds, Schoonover, Scudder, Smith of Spencer, Staton, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Wells, Williams, Wilson, Withers and Mr. Speaker—53.

So the motion of Mr. Gibson was not laid on the table.

The question then recurred on Mr. Gibson's motion to reconsider the vote by which the resolution was indefinitely postponed.

And being put,

The ayes and noes were demanded by Messrs. Gibson and Smith of Marion.

Those who voted in the affirmative were,

Messrs. Barker, Behm, Crawford, Davis of Franklin, Donaldson, Doughty, Eccles, Goudy, Hart, Holman, King, Lavery, Lawrence, Lindsay of Howard, Major, Manson, Miller, Mudgett, Owen, Porter, Ray, Sale, Smith of Marion, Sumner, Thompson, Torbet, Watson, and Wilson—28.

Those who voted in the negative were,

Messrs. Beane, Bryant, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crim, Cromwell, Davis of Sullivan, Dice, Dobson, Donham, Douthit, Foster, Gibson, Gookins, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Howell, Hudson, Huffstetter,

Humphreys, Hunt, Leviston, Lewis, Lindsey of Fayette, Litchfield, Marrs, Mayfield, McAllister, Morris, Nelson, Reynolds, Schoonover, Scudder, Shanklin, Smith of Spencer, Staton, Stover, Suit, Sweet, Taggart, Wells, Williams, Withers, and Mr. Speaker—52.

So the vote was not reconsidered.

The Speaker laid before the House the following communication from the Governor, and accompanying resignation of Wm. M. Harrison :

EXECUTIVE DEPARTMENT, }
APRIL 24, 1852. }

HON. WM. H. ENGLISH,

Speaker of the House of Representatives:

SIR:—You will please to lay before the House of Representatives the enclosed resignation of the Hon. William M. Harrison, Representative from the county of Porter.

A special election has been ordered to fill his vacancy, to take place on Saturday, the 8th day of May next.

Most respectfully yours,

JOSEPH A. WRIGHT.

VALPARAISO, IND., April 17, 1852.

Governor of Indiana:

Your Honor will accept this as my resignation of the office of Representative of the district composed of the county of Porter.

Respectfully yours,

W. M. HARRISON.

The Speaker laid before the House the remonstrance of Ephraim Hardy and 41 others, of the county of Jefferson, against the Maine liquor law;

Which,

On motion,

Was referred to the committee on Temperance.

ORDERS OF THE DAY.

House Bills on Second Reading.

No. 211. A bill regulating the granting of divorces, nullification of marriages and decrees, and orders of court incident thereto;

Was read a second time.

Mr. Suit offered the following amendment:

Strike out the words "or belief," in the third line, and the words "and believed," in the sixth line of the second clause in section 8.

Which was agreed to.

Mr. Buskirk submitted the following amendment:

Add after the end of the 16th section the following:

"And it shall be deemed sufficient evidence of good moral character, if such petitioner shall satisfy the court or jury trying the same, that she had, for two years previous to the filing of such petition, maintained a good reputation for chastity and virtue."

Pending which,

Mr. Behm moved to lay the bill and pending amendment on the table and print.

Mr. Holman called a division of the question.

The question being first put on laying the bill on the table,

It was decided in the affirmative.

The second question being put, on printing the bill and pending amendment,

It was decided in the negative.

No. 212. A bill regulating prosecutions in cases of bastardy, and providing for the support of illegitimate children;

Was read a second time.

Mr. Suit submitted the following amendments:

Strike out section 5, and insert—

SEC. 5. Any person committed to jail for failure to give such bond, may be discharged from custody, by filing at any time after his commitment, with the clerk, such bond to the satisfaction of such clerk; and a certificate of the clerk to the sheriff shall be sufficient to authorize him to discharge said defendant from custody.

Strike out section 19, and insert—

SEC. 19. Upon the death of any bastard child, after judgment rendered as aforesaid, no further payments shall be required of the defendant, except what may be due and unpaid at the time of the death of such child.

The question being on the adoption of the amendments,

Mr. Suit called a division of the question.

The question being first put on the adoption of the first amendment to section 5;

It was decided in the affirmative.

The second question being on the adoption of the second amendment to section 19,

Pending which,

On motion by Mr. Holman,

The amendment was laid on the table.

On motion by Mr. Hudson,

The 13th section of the bill was amended by adding the words "court or," before the word jury.

Mr. Holman submitted the following amendment:

SEC. —. The several prosecuting attorneys within their respective circuits, shall prosecute all causes originating under this act.

Which was agreed to.

Mr. Gookins submitted the following amendment:

SEC. —. The death of a bastard child shall not be cause of abatement or bar to any prosecution for bastardy, but the court trying the same shall on conviction give judgment for such sum as shall be deemed just.

Mr. Hudson moved to amend the amendment of Mr. Gookins by striking out the words "or bar."

Which was disagreed to.

The question then recurred on the adoption of the amendment.

And being put,

It was decided in the affirmative.

Mr. King offered the following amendment, to Sec. 1st:

Insert in Sec. 1st before the word "woman" the word "unmarried."

On motion by Mr. Holman,

The amendment was laid on the table.

Mr. Holman submitted the following amendment:

After the word "mother" in Sec. 11, insert: and a guardian *ad litem* shall be appointed for that purpose, who shall not be liable for costs.

Which was agreed to.

Mr. King offered the following amendment:

In Sec. 8, strike out the word "two years" and insert "one year."

Which was disagreed to.

On motion by Mr. Holman,

The bill was laid on the table.

No. 213. A bill touching official bonds and oaths.

Was read a second time.

Mr. Buskirk submitted the following amendment:

Add the following sections after section No. 16:

SEC. —. And in all cases where such officer shall give additional surety, the individuals offering themselves as such surety shall sign their names and affix their seals to the bonds originally filed by such

officer, and shall to all intents and purposes in law and equity be bound by the stipulations in said bond as fully as if they had affixed their names and seals thereto at the time said officer and his former sureties executed and delivered the same, and they shall have the same rights, and be subject to the same liabilities in law and equity, both as regards themselves and the former sureties on said bond, as they would have been entitled or subjected to in case they had executed said bond at the same time it was executed by such officer and his former sureties; and no such signing said bond by said additional sureties shall render the same void or voidable as to such officer or the original sureties thereto, but the same shall be valid and binding in law and equity upon such officer, and upon his original and additional sureties, precisely as if the same had been signed, sealed and delivered by such officer, and all of said sureties before the same was first filed and accepted.

SEC. —. And in the event of any officer as aforesaid, on being so required, filing a new bond, nothing in this act shall be so construed as to release said officer or the said sureties on his bond first filed from any mis-feasance, mal-feasance or non-feasance on the part of such officer, either before or after the filing of such new bond, but the said bond first filed shall remain in full force, and be binding in law and equity as if no such new bond had been executed.

SEC. —. And in the event of such officer giving such new bond as aforesaid, the sureties in said new bond shall be held liable for any official mis-feasance, mal-feasance, or non-feasance on the part of such officer, either before or after the filing of such new bond, and shall in all respects have the same rights, and be subject to the same liabilities as if, instead of signing such new bond, they had executed, as additional sureties, the bond first given by such officer.

Which was disagreed to.

Mr. Gookins offered the following amendment:

Amend section 15 by inserting after the words "March term," the words "and may at any other term."

Which was agreed to.

Mr. Buskirk moved to strike out section 15;

Pending which,

On motion by Mr. Buskirk,

The bill and amendment were laid on the table.

On motion by Mr. Holman,

House bill No. 212. A bill regulating prosecutions in cases of bastardy,

Was taken from the table.

Mr. Holman submitted the following amendment:

SEC. —. In case of the death of the putative father of such child,

either before or after the commencement of prosecution, and after the preliminary examination before the justice, the right of action shall survive, and may be prosecuted against the personal representatives of the deceased, with like effect as if such father were living, except that no arrest of such personal representative shall take place or bond be required.

Mr. Stuart moved to amend the amendment by striking out the words, "either before or;"

Which was accepted by Mr. Holman.

Mr. King moved to lay the amendment on the table.

And the question being put,

The ayes and noes were demanded by Messrs. Holman and Lindsay of Howard.

Those who voted in the affirmative were,

Messrs. Barker, Bryant, Carpenter, Cockrum, Cowgill, Crim, Davis of Sullivan, Dice, Donham, Doughty, Goudy, Gunn, Henry, Hicks, Howell, Hudson, Huffstetter, Humphreys, King, Lawrence, Lewis, Lindsey of Fayette, Litchfield, Manson, McAllister, Morris, Nelson, Ray, Schoonover, Shanklin, Smith of Spencer, Stuart, Taggart, and Mr. Speaker—34.

Those who voted in the negative were,

Messrs. Beane, Behm, Brady, Buskirk, Chowning, Crawford, Cromwell, Davis of Franklin, Dobson, Douthit, Eccles, Foster, Gibson, Gookins, Graham, Hanna, Hart, Hay of Clark, Helmer, Holman, Huey, Hunt, Laverty, Leviston, Lindsay of Howard, Major, Marrs, Mayfield, Miller, Mudgett, Owen, Porter, Reynolds, Sale, Scudder, Smith of Marion, Staton, Stover, Struble, Suit, Sumner, Sweet, Thompson, Torbet, Watson, Wells, Williams, Wilson, and Withers—49.

So the motion did not prevail.

The question then recurred on the adoption of the amendment;

And being put,

The ayes and noes were demanded by Messrs. King and Smith of Spencer.

Those who voted in the affirmative were,

Messrs. Beane, Behm, Brady, Bryant, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Gibson, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark,

Hays of White, Helmer, Hicks, Holman, Hudson, Huey, Hunt, Lavery, Lawrence, Leviston, Lewis, Lindsey of Fayette, Linsday of Howard, Major, Marrs, Mayfield, McAllister, Miller, Morris, Mudgett, Nelson, Owen, Porter, Reynolds, Sale, Scudder, Shanklin, Smith of Marion, Staton, Stover, Struble, Sumner, Sweet, Thompson, Torbet, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—69.

Those who voted in the negative were,

Messrs. Barker, Davis of Sullivan, Dice, Henry, Howell, Humphreys, King, Litchfield, Manson, Ray, Schoonover, Smith of Spencer, Stuart, Suit, and Taggart—15.

So the amendment was adopted,
And the bill was ordered to be engrossed.
By unanimous consent of the House,

Mr. Mudgett presented the petition of 371 citizens of the county of Clay, asking for the investigation of certain alleged frauds and forgeries charged to exist in certain petitions presented to this House by the members of said Clay county, praying the re-location of the seat of justice of that county.

Mr. Mudgett moved to refer the petition to a select committee of three, and that said committee be authorized (if deemed expedient) to send for persons and papers.

Mr. Brady moved to amend the motion of Mr. Mudgett by striking out all after the word "three."

Mr. King moved to lay the amendment on the table;
Which was disagreed to.

Mr. Buskirk moved to amend the amendment of Mr. Brady by adding, "and that the process of the committee shall be confined to Marion county."

Mr. Behm moved to indefinitely postpone the whole subject.
And the question being put,
The ayes and noes were demanded by Messrs. Behm and King.

Those who voted in the affirmative were,

Messrs. Beane, Behm, Carpenter, Davis of Franklin, Doughty, Goudy, King, Lawrence, Leviston, Linsday of Howard, Mayfield, Morris, Nelson, Reynolds, Scudder, Stover, Sumner, Thompson and Wilson—19.

Those who voted in the negative were,

Messrs. Barker, Brady, Bryant, Buskirk, Chowning, Cockrum,

Crawford, Crim, Davis of Sullivan, Dice, Dobson, Donaldson, Douthit, Eccles, Foster, Gibson, Gookins, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holman, Howell, Hudson, Huey, Humphreys, Hunt, Lavery, Lindsey of Fayette, Litchfield, Major, Manson, Marrs, McAllister, Miller, Mudget, Owen, Porter, Ray, Sale, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Staton, Struble, Stuart, Suit, Sweet, Taggart, Torbet, Watson, Wells, Williams, Withers and Mr. Speaker—61.

So the subject was not indefinitely postponed.

The question then recurred on the amendment of Mr. Buskirk to the amendment of Mr. Brady.

And being put,

It was decided in the affirmative.

The question then recurred on the adoption of the amendment of Mr. Brady to the motion of Mr. Mudget.

And being put,

It was decided in the affirmative.

Mr. Smith of Spencer moved to change the reference of the petition to the committee on Elections.

Which was accepted by Mr. Mudget,

And the petition so referred.

A message from the Senate by Mr. Dunn their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House:

No. 197. "An act explanatory to the act, entitled an act providing for the election of town and city officers; and prescribing the qualifications of voters in such elections, approved March 10th, 1852, and to provide for filling vacancies in the office of councilman or trustee;

Without amendment.

A message from the Governor by Mr. King executive messenger:

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives that he has approved and signed the following bill, viz:

No. 197. An act explanatory to the act, entitled "an act providing for the election of town and city officers, and prescribing the qualifications of voters in such elections," approved March 10th, 1852, and to provide for filling vacancies in the offices of councilman or trustee.

Which bill originated in the House.

A message from the Senate by Mr. Dunn, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the following resolution of the House:

Resolved, The Senate concurring, that the Door-keeper of the House forthwith cause a good and efficient lightning rod to be placed on the State House and the present chain and rod be removed and disposed of by said Door-keeper.

On motion by Mr. Shanklin,
The House adjourned.

MONDAY MORNING, 8 o'clock, }
April 26, 1852. }

The House met.

The journal of the preceding day was read.

On motion by Mr. Lindsey of Fayette,

Leave of absence was granted Mr. McAllister for two hours.

The Clerk proceeded to call the roll, when the following members answered to their names, viz:

Messrs. Beach, Beane, Behm, Brady, Bryant, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Gibson, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Howell, Hudson, Huey, Huffstetter, Humphreys, Hunt, Lavery, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—86.

And the following members were absent without leave of the House, viz:

Messrs. Barker, Beeson, Bulla, Geddes, King, McConnell, and McDonald.

PETITIONS, MEMORIALS AND REMONSTRANCES PRESENTED.

By Mr. Struble:

Two memorials on the subject of temperance from 106 voters of Bartholomew county, praying the passage of a law similar to the Maine law;

Which,

On motion,

Were referred to the committee on Temperance.

By Mr. Hicks:

The memorial of 44 voters of Jennings county, praying the passage of a law similar to the Maine law;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Watson:

The memorial of sundry ladies and gentlemen of Hendricks county, praying the passage of a law similar to the Maine law;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Smith of Marion:

The remonstrance of sundry voters of Franklin township, Marion county, against the passage of the Maine liquor law:

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Eccles:

The petition of Wm. H. Wishard, M. D., in reference to the sale of poisonous drugs;

Which,

On motion,

Was referred to the Judiciary committee.

By Mr. Suit:

The memorial of sundry citizens of Michigantown, Clinton county, praying the passage of a law similar to the Maine law:

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Morris:

A memorial from sundry citizens of Henry county, praying the passage of a law similar to the Maine law;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Foster :

A memorial from sundry citizens of Hancock county, praying the passage of a law similar to the Maine law.

Which,

On motion,

Was referred to the committee on Temperance.

REPORTS FROM COMMITTEES.

Mr. Owen, from the select joint committee on Revision, made the following report :

MR. SPEAKER :

The joint committee on Revision, to whom was referred the subject have instructed me to report No. 219, a bill touching easements; and to recommend its passage.

The bill was read a first time and passed to a second reading.

Mr. Owen, from the joint select committee on Revision, made the following report :

MR. SPEAKER :

The joint committee on Revision to whom was referred the subject, have instructed me to report No. 220, a bill for the encouragement of fire companies; and to recommend its passage.

The bill was read a first time and passed to a second reading.

Mr. Owen, from the joint select committee on Revision, made the following report :

MR. SPEAKER :

The joint committee on Revision, to whom was referred the subject, have instructed me to report No. 221, a bill concerning county prisons; and to recommend its passage.

The bill was read a first time and passed to a second reading.

Mr. Owen, from the select joint committee on Revision, made the following report :

MR. SPEAKER :

The joint committee on Revision to whom was referred the subject, have instructed me to report No. 222, a bill "regarding insolvent debtors," as revised by your committee, and to recommend its rejection.

The bill was read a first time.

The question being, shall the bill be rejected?

And being put :

It was decided in the affirmative.

Mr. Owen, from the select joint committee on Revision, made the following report:

MR. SPEAKER :

The joint committee on Revision to whom was referred the subject, have instructed me to report No. 223, a bill "concerning trusts and powers," and to recommend its passage.

The bill was read a first time and passed to a second reading.

Mr. Owen, from the select joint committee on Revision, made the following report:

MR. SPEAKER:

The committee on Revision to whom was referred the subject, have instructed me to report No. 224, a bill "to authorize and limit allowances by courts and boards, and drafts upon county treasurers," and to recommend its passage.

The bill was read a first time and past to a second reading.

Mr. Owen, from the select joint committee on Revision, made the following report:

MR. SPEAKER:

The joint committee on Revision, to whom was referred House bill No. 123, entitled "an act to establish circuit courts, and define the powers and duties of the officers of such courts," have had the same under consideration and have directed me to report the same back, and recommend it to be laid on the table, its provisions not embodied in the constitution, being incorporated in various bills prepared by them; and they ask to be discharged from further consideration of the subject.

Which report was not concurred in.

On motion by Mr. Stewart,

The bill contained in the foregoing report, was referred to the committee on the Organization of Courts of Justice.

Mr. Owen, from the select joint committee on Revision, made the following report:

MR. SPEAKER:

The joint committee on Revision to whom was referred the subject, have instructed me to report No. 225, a bill "concerning fugitives from justice," and recommend its passage.

The bill was read a first time and passed to a second reading.

Mr. Stover, from the select joint committee on Revision, made the following report:

MR. SPEAKER:

The select joint committee on Revision to whom was referred the subject, have instructed me to report No. 226, a bill "in relation to special elections," and to recommend its passage.

The bill was read a first time and passed to a second reading.

Mr. Stover, from the select joint committee on Revision, made the following report:

MR. SPEAKER:

The select joint committee on Revision to whom was referred the subject, have instructed me to report No. 227, a bill "touching vacancies in office, and filling the same by appointment," and to recommend its passage.

The bill was read a first time and passed to a second reading.

Mr. Owen, from the select joint committee on Revision, made the following report:

MR. SPEAKER:

The select joint committee on Revision, to whom was referred the subject, have instructed me to report No. 228, a bill "regulating the election and duties of State Librarian," and to recommend its passage.

The bill was read a first time and passed to a second reading.

Mr. Owen from the select joint committee on Revision made the following report :

MR. SPEAKER:

The select joint committee on Revision, to whom was referred the subject, have instructed me to report No. 229, a bill "concerning the general fund and the expenditures chargeable thereon," and to recommend its passage.

The bill was read a first time and passed to a second reading.

Mr. Owen, from the select joint committee on Revision, made the following report:

MR. SPEAKER:

The select joint committee on Revision to whom was referred House bill No. 192, to provide for the election of a State Librarian, report the same back and recommend that it lie on the table, a bill having been prepared by them on the same subject.

Which report was concurred in.

RESOLUTIONS OF THE HOUSE.

Mr. McDowell submitted the following resolution:

Resolved, That the committee on temperance be instructed to report a law similar to the law of Maine for the suppression of intemperance.

The question being put on its adoption;

The ayes and noes were demanded by Messrs. Gibson and McDowell.

Those who voted in the affirmative were,

Messrs. Beane, Carpenter, Dice, Goudy, Lawrence, and Watson
—6.

Those who voted in the negative were,

Messrs. Barker, Beach, Behm, Brady, Buskirk, Bryant, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dobson, Donaldson, Donham, Doughty, Douthit,

Eccles, Foster, Gibson, Gookins, Graham, Gunn, Hanna, Hart, Hays of White, Hay of Clark, Helmer, Henry, Hicks, Holladay, Holman, Howell, Hudson, Huey, Huffstetter, Humphreys, Hunt, King, Laverly, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McDowell, Miller, Morris, Mudgett, Nelson, Owen, Porter, Ray, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stover, Struble, Stuart, Sumner, Suit, Sweet, Taggart, Thompson, Torbet, Walker, Wells, Williams, Wilson, Withers and Mr. Speaker—81.

So the resolution was not adopted.

Mr. Doughty submitted the following resolution:

Resolved, That the select committee appointed to district the State into judicial circuits be required, as soon as practicable, to report a bill providing for 9 judicial circuits.

On motion by Mr. Brady,

The resolution was laid on the table.

On motion by Mr. Goudy,

Resolved, That the committee of Ways and Means be instructed to inquire into the expediency of reporting a bill making lands sold by the State taxable as other lands.

By unanimous consent of the House,

Mr. Behm obtained leave and introduced

No. 230. A bill to create a special term of the Tippecanoe circuit court.

Which was read a first time, and passed to a second reading.

By unanimous consent of the House,

Mr. Owen obtained leave and introduced

No. 231. A bill authorizing the recovery, by a wife, of property lost by gambling.

Which was read a first time and passed to a second reading.

By unanimous consent of the House,

Mr. Major obtained leave and introduced

No. 232. A bill to repeal an act entitled "An act extending the benefit of the valuation laws to judgment debtors to the surplus revenue, and giving additional time to such persons for the payment of the same," approved January 13, 1844.

Which was read a first time and passed to a second reading.

By unanimous consent of the House,
Mr. Hay of Clark obtained leave and introduced

No. 233. A bill providing for and regulating the relation of master and apprentice.

Which was read a first time and passed to a second reading.

By unanimous consent of the House,
Mr. King obtained leave and introduced

No. 234. A bill repealing all former acts of the Legislature, except those therein named.

Which was read a first time and passed to a second reading.

On motion,

Leave was granted Mr. Buskirk to record his vote, on the vote taken on Mr. McDowell's resolution offered this morning.

On motion by Mr. Behm,

House bill No. 59. A bill to provide for the incorporation of railroad companies,

Was taken from the table.

The question being on the engrossment of the bill,

On motion by Mr. Gookins,

The further consideration of the bill was suspended until to-morrow morning 10 o'clock, and made the special order of the day for that hour.

By unanimous consent of the House,

Mr. Stover obtained leave, and introduced the following report from the select joint committee on Revision:

MR. SPEAKER:

The select joint committee on Revision, to whom was referred engrossed bill of the House No. 184, a bill to authorize railroad companies to bridge navigable streams, report the same back to the House, and ask to be discharged from the further consideration of the subject.

The bill was read a third time.

The question being, Shall the bill pass?

Pending which,

On motion by Mr. Stuart,

The further consideration of the bill was postponed until to-morrow morning, 10 o'clock.

ORDERS OF THE DAY.

Mr. Torbet called up Senate bill

No. 70. A bill providing for the colonization of negroes and mulattoes, and their descendants; constituting a State Board of Colonization; declaring the duties of said Board and State Treasurer and county treasurers in relation thereto;

Which was lost on its final passage a few days since, there not being a constitutional vote therefor.

The question being, Shall the bill pass?

Mr. Smith of Spencer, moved to refer the bill to the committee on the Rights and Privileges of the Inhabitants of the State, with instructions to amend the 1st section by striking out all that portion of the section relative to appropriating \$5000 out of the State Treasury for the purpose of colonization.

Mr. Davis of Sullivan, moved to amend the instructions as follows:

That \$500 be appropriated to enable the Governor of the State to disseminate such information among the colored people of this State as will give them such authentic information in relation to Liberia, as may enable them to make up their minds as to the propriety of emigrating, and for the further purpose of ascertaining how many persons of color are willing to emigrate.

Which was accepted by Mr. Smith of Spencer.

The question then being put on referring the bill with the instructions as amended.

The ayes and noes were demanded by Messrs. McDowell and Smith of Spencer.

Those who voted in the affirmative were,

Messrs. Buskirk, Cockrum, Cromwell, Davis of Franklin, Davis of Sullivan, Dobson, Donaldson, Donham, Foster, Graham, Huffstetter, Humphreys, Leviston, Manson, McAllister, Morris, Nelson, Ray, Scudder, Smith of Marion, Smith of Spencer, Stuart, Suit, and Wilson—24.

Those who voted in the negative were,

Messrs. Barker, Beach, Beane, Behm, Brady, Bryant, Carpenter, Chowning, Cowgill, Crawford, Crim, Dice, Doughty, Douthit, Eccles, Gibson, Gookins, Goudy, Gunn, Hanna, Hart, Hay of Clark, Helmer, Henry, Hicks, Holladay, Holman, Howell, Hudson, Huey, Hunt,

King, Laverty, Lawrence, Lindsey of Fayette, Linsday of Howard, Litchfield, Major, Marrs, Mayfield, McDowell, Miller, Mudget, Owen, Porter, Reynolds, Sale, Schoonover, Shanklin, Staton, Stover, Struble, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Withers, and Mr. Speaker—63.

So the bill was not so referred.

The question recurred on the passage of the bill;
And being put,

Those who voted in the affirmative were,

Messrs. Beach, Beane, Behm, Brady, Bryant, Buskirk, Carpenter, Chowning, Crawford, Dice, Doughty, Douthit, Eccles, Gibson, Gookins, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Howell, Hudson, Huey, Hunt, King, Laverty, Lawrence, Leviston, Lindsey of Fayette, Linsday of Howard, Litchfield, Major, Marrs, Mayfield, McAllister, McDowell, Miller, Mudget, Owen, Porter, Sale, Schoonover, Shanklin, Staton, Stover, Stuart, Suit, Sweet, Taggart, Thompson, Torbet, Watson, Wells, Williams, and Mr. Speaker—60.

Those who voted in the negative were,

Messrs. Barker, Cockrum, Cowgill, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dobson, Donaldson, Donham, Foster, Goudy, Graham, Gunn, Huffstetter, Humphreys, Manson, Morris, Nelson, Ray, Reynolds, Scudder, Smith of Marion, Smith of Spencer, Sumner, Walker, Wilson, and Withers—28.

So the bill passed.

On motion by Mr. Davis of Sullivan,
The title of the bill was amended by adding,
“And appropriating \$5000 therefor.”

Ordered, that the clerk inform the Senate of the passage of the bill.

A message from the Senate by Mr. Dunn their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bills thereof:

No. 116, entitled “a bill establishing general provisions respecting corporations.”

No. 117, entitled “a bill for the incorporation of manufacturing and mining companies and companies for mechanical, chemical and building purposes.”

No. 118, entitled "a bill defining misdemeanors and prescribing punishment therefor."

No. 119, entitled "a bill defining felonies and prescribing punishment therefor."

No. 125, entitled "a bill to provide for the election of a State Printer, and for the public printing, the binding and distribution of the laws journals and public documents."

In which the concurrence of the House is respectfully requested.

Bills Nos. 116 and 117 contained in the foregoing message were each read a first time and passed to a second reading.

On motion,

Leave was granted Mr. Sweet to change his vote from the affirmative to the negative on the resolution relative to the Maine liquor law.

Mr. King moved the House adjourn.

Which was disagreed to.

Bill No. 118, contained in the foregoing message was read a first time and passed to a second reading.

On motion Mr. Hicks,

The House adjourned.

2 o'clock, P. M.

The House met.

And resumed the consideration of the message from the Senate.

Bills Nos. 119 and 125 contained in said message were each read a first time and passed to a second reading.

By unanimous consent of the House,

Mr. Holman obtained leave and made the following report:

MR. SPEAKER:

The Judiciary committee to whom was referred House bill No. 198, entitled "an act concerning the accumulation, suspension of ownership, and joint tenancy of personal property," have had the same under consideration and have directed me to report the same back and recommend its passage.

The bill contained in the foregoing report was ordered to be engrossed.

A message from the Senate by Mr. Dunn their Secretary :

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has passed the following engrossed bills thereof:

No. 120, entitled "a bill prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate and contest thereof."

No. 123, entitled "a bill providing for an organization of circuit courts, the election of judges thereof, and defining their powers and duties."

In which the concurrence of the House is respectfully requested.

Bills Nos. 120 and 123 contained in the foregoing message were each read a first time and passed to a second reading.

The Speaker laid before the House the following communication from his Excellency the Governor:

EXECUTIVE DEPARTMENT, }
April 26, 1852. }

HON. WM. H. ENGLISH,

Speaker of the House of Representatives:

SIR:—You will please communicate to the House of Representatives, the melancholy intelligence, just received, of the death of the Hon. Bradford Glazebrook, Representative from the county of Putnam.

Most respectfully yours,
JOSEPH A. WRIGHT.

Mr. Owen said:

MR. SPEAKER:—The gentleman, our late fellow member, whose decease has just been announced to us, having no colleague on this floor, the duty has been assigned to me of preparing the resolutions proper on such occasion.

Before offering these, allow me to say a few words, suggested by this mournful event.

I had never seen Mr. Glazebrook, until he became a member of this body; but, in the early part of the session, I became well acquainted with him, in consequence of his being a member,—and I will add a most industrious and efficient member—of the committee

of which I am chairman, the committee on education. My intercourse with him fully bore out the opinion, which I have heard expressed by those who knew him longer and better than I, that the leading traits of his character were honesty, intrepidity, and personal independence: points of character important in every one; essential in the case of him, to whom is delegated the high duty of making laws for his fellows.

BRADFORD GLAZEBROOK died yesterday evening (as has just been announced to you) of pneumonia, at the residence of his father-in-law, in the town of Greencastle. He left his place in this House, in consequence of ill health some months since, and he never recovered.

Mr. Glazebrook was, by occupation, a farmer; and this was the first time, that he ever sought or obtained public office. A fatal gift was that office to him! He leaves a widow and several children, to deplore his loss. He died in the prime of life; his age between thirty and forty.

This is the second time, during the few brief days since we re-assembled, that the announcement of death has spread gloom in our midst. These emblems of mourning around the Hall attest the fact. I know of no more striking admonition than such announcements, urging to instant exertion, to ceaseless vigilance, in the discharge of duty, public and private. Well has it been said: whatsoever thy hand findeth to do, do it with all thy might; for there is no work nor device, no knowledge nor wisdom in the grave, whither we are all fast hastening. The little good a man may do in this world, he must do quickly. The years pass, even while we are taking thought how they shall be spent. Let us diligently improve them, then. Let us be up and doing while it is yet day; the night cometh, when no man can work.

I offer, for adoption, the following resolutions:

Resolved, That this House has received with profound regret, the information of the decease of the Hon. *Bradford Glazebrook*, member from the county of Putnam. That this House deeply sympathize with the bereaved widow and family of the deceased, under this severe affliction, and tender to them the expression of its sincere condolence.

Resolved, That the members of this House, in token of respect for the memory of the deceased, will wear the usual badge of mourning for thirty days.

Resolved, That a copy of these resolutions be transmitted by the clerk to the widow of the deceased: *And further resolved*, In additional token of respect for the memory of our deceased fellow member, that this House do now adjourn.

On motion by Mr. Brady,

The resolutions were amended by adding, that the Senate be requested to reciprocate the resolutions.

The resolutions as amended were then unanimously adopted.

TUESDAY MORNING, 8 o'clock, }
April 27, 1852. }

The House met.

The journal of the preceding day was read.

On motion by Mr. Suit,

The remarks of Mr. Owen on the death of Hon. Mr. Glazebrook, were ordered to be spread upon the journal of yesterday.

On motion,

Leave was granted Mr. McConnell to record his vote on the passage of the bill colonizing negroes and mulattoes.

The clerk proceeded to call the roll, when the following members answered to their names, viz:

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Gibson, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Howell, Hudson, Huey, Huffstetter, Humphreys, Hunt, Laverty, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McConnell, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers and Mr. Speaker—91.

And the following members were absent without leave, to-wit:

Messrs. Bulla, Geddes, King, and McDonald.

On motion,

Leave was granted Messrs. Sumner and Hays of White to change their vote from the affirmative to the negative, on the adoption of the resolution of Mr. McDowell, offered yesterday, relative to a law similar to the Maine liquor law.

REPORTS FROM COMMITTEES.

Mr. Donaldson, chairman of the committee on elections, made the following report:

MR. SPEAKER:

The committee on Elections, to whom was referred a petition of sundry citizens of Clay county, asking the examination of a petition that was presented to the House, praying the re-location of the county seat of Clay county, charging that said petition contained a large amount of names that were fraudulently obtained: Your committee have investigated the matter, and learn from the evidence presented, and the admission of Mr. Cromwell, one of the members from Clay, who presented the petition, that he, Mr. Cromwell, had been presented by a Dr. Hart, from Clay county, with a list of names of citizens of said county, for the purpose of supplying them with documents; the said list of names referred to were kept by Mr. Cromwell in his desk, and that he also had placed in his desk the petitions which had been received by him, asking the re-location; and that before presenting the petition to the House, he, Mr. Cromwell, had pasted them together; and that he had inadvertently and unintentionally attached the list referred to, to the list of petitioners. And from the character of the list your committee are satisfied that the attaching the list of names with the list of petitioners, was a mistake very liable to have occurred; and that your committee are satisfied that no censure can be attached to the parties charged.

Your committee ask to be discharged from the further consideration of the subject.

Which report was concurred in.

Mr. Owen, from the select joint committee on Revision, made the following report:

MR. SPEAKER:

The joint committee on Revision, to whom was referred House bill No. 179, regulating the inspecting of salt beef, flour, pork, and tobacco; also House bill No. 167, to provide for the inspection of tobacco, report the same back, and recommend that they lie on the

table; a general bill covering the provisions of both these bills having been prepared by your committee.

Which report was concurred in.

Mr. Owen, from the joint select committee on Revision, made the following report:

MR. SPEAKER:

The joint committee on Revision, to whom was referred House bill No. 172, entitled an act concerning crimes and punishment, and proceedings in criminal cases punishable by death, or confinement in the State prison, have had the same under consideration and have directed me to report it back, and recommend it to be laid on the table; its provisions being incorporated in other bills revised by the committee; and they ask to be discharged from the further consideration of the subject.

Which was concurred in.

Mr. Owen, from the joint select committee on Revision, made the following report:

MR. SPEAKER:

The joint committee on Revision, to whom was referred House bill No. 186, in relation to telegraph companies, report the same back and recommend that it lie on the table; a bill with similar provisions having been prepared by your committee.

Which report was concurred in.

Mr. Owen, from the select joint committee on Revision, made the following report:

MR. SPEAKER:

The joint committee on Revision, to whom was referred the subject, have instructed me to report No. 236, a bill containing several provisions regarding landlords, tenants, lessors and lessees, and to recommend its passage.

The bill was read a first time and passed to a second reading.

Mr. Owen, from the joint select committee on Revision, made the following report:

MR. SPEAKER:

The joint committee on Revision, to whom was referred the sub-

ject, have instructed me to report No. 235, a bill concerning the assignment of judgments and decrees, and to recommend its passage.

The bill was read a first time and passed to a second reading.

Mr. Owen, from the joint select committee on Revision, made the following report:

MR. SPEAKER:

The select joint committee on Revision, to whom was referred the subject, report back a bill in regard to the laying out and working of public highways, and recommend that it be recommitted, for the purpose of perfecting the same, to the committee on Roads. And they ask to be discharged from further consideration of the subject.

Which report was concurred in.

Mr. Owen, from the joint select committee on Revision, made the following report:

MR. SPEAKER:

The joint committee on Revision, to whom was referred the subject, have instructed me to report No. 237, a bill declaring what documents shall be published along with the Revised Statutes, and to recommend its passage.

The bill was read a first time and passed to a second reading.

Mr. Owen, from the joint select committee on Revision, made the following report:

MR. SPEAKER:

The joint committee on Revision, to whom was referred the subject, have instructed me to report No. 238, a bill concerning interest on money, and to recommend its passage.

The bill was read a first time and passed to a second reading.

Mr. Owen from the select joint committee on Revision made the following report:

MR. SPEAKER:

The select joint committee on Revision, to whom was referred the subject, have instructed me to report No. 239, a bill "regarding sal-

aries," and recommend, that, on its second reading it be referred to the committee on salaries.

The bill was read a first time and passed to a second reading.

Mr. Stover from the select joint committee on Revision made the following report:

MR. SPEAKER:

The select joint committee on Revision, to whom was referred the subject, have instructed me to report No. 240, a bill "prescribing the duties of Secretary of State," and to recommend its passage.

The bill was read a first time and passed to a second reading.

Mr. Stover from the select joint committee on Revision made the following report:

MR. SPEAKER:

The select joint committee on Revision to whom was referred the subject, have instructed me to report No. 241, a bill in relation to "commissions, certificates, and resignations of officers," and to recommend its passage.

The bill was read a first time and passed to a second reading.

Mr. Stover from the select joint committee on Revision made the following report:

MR. SPEAKER:

The select joint committee on Revision to whom was referred House bill No. 177, "a bill to provide for equalizing the appraisment for taxation of the real property in the State of Indiana," have had the same under consideration, and have directed me to report the same back with a recommendation that the bill be referred to the committee on Ways and Means.

Which report was concurred in.

Mr. Stover from the select joint committee on Revision made the following report:

MR. SPEAKER:

The joint committee on Revision, to whom was referred a resolution of the House, instructing them to inquire into the expediency of making it the duty of the "sheriffs of the several counties in this State to make an exhibit of all papers and moneys in their hands, connected with their official duties, to the judge of the circuit court,

on the first day of the term, at least once in each year," respectfully report that the requirements of the resolution have been incorporated in a general law, and ask to be discharged from its further consideration.

Which report was concurred in, and the committee discharged.

Mr. Stover, from the joint select committee on Revision, made the following report:

MR. SPEAKER:

The select joint committee on Revision, to whom was referred House bill No. 173, a bill "to provide for the valuation and appraisal of real and personal property, and collection of taxes," &c., not having had time to thoroughly revise the same, have directed me to report the same back, and recommend that it, with the following instructions, be referred to the committee on Ways and Means, to be further perfected:

First. Strike out the words "products of this State," in the section in relation to fixing consignments.

Second. Strike out all in relation to taxing United States stocks.

Third. Strike out all in relation to listing and assessing property by township assessors, and substitute county assessors.

Fourth. Strike out all in relation to the election and qualification of auditors and treasurers.

Fifth. Strike out all in relation to licenses of merchants, grocers, and for vending clocks.

Sixth. Strike out all in relation to fees of auditor and treasurer.

Seventh. Strike out all on the subject of penalties and fines, for failing or refusing to give a correct list of his property, or neglect of duty on the part of any officer connected with the assessment and collection of revenue.

On motion by Mr. Torbet,
The bill and instructions were laid on the table.

RESOLUTIONS OF THE HOUSE.

On motion by Mr. Hanna,

Resolved, That the committee on Corporations be instructed to report a bill for the creation of companies to build levees to protect lands and property from damages by high water.

On motion by Mr. Hicks,
Leave of absence was granted Mr. Morris, on account of sickness.

PETITIONS, MEMORIALS, REMONSTRANCES, &C., PRESENTED.

By Mr. Gunn:

The memorial of sundry citizens of Harrison county, praying the passage of a law similar to the Maine law;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Behm:

Two memorials from sundry citizens of Tippecanoe county, praying the passage of a law similar to the Maine law;

Which,

On motion,

Were referred to the committee on Temperance.

The Speaker laid before the House four remonstrances, numerously signed by citizens of Scott county, against the passage of the Maine, or any similar law;

Which,

On motion,

Were referred to the committee on Temperance.

By Mr. Eccles:

Two memorials from sundry ladies and gentlemen of Johnson county, praying the passage of a law similar to the Maine law;

Which,

On motion,

Were referred to the committee on Temperance.

By Mr. Carpenter:

A memorial from sundry ladies and gentlemen of Vanderburgh county, praying the passage of a law similar to the Maine law;

Which,

On motion,

Was referred to the committee on Temperance.

ORDERS OF THE DAY.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House:

No. 70. Entitled "A bill to establish courts of common pleas, and defining the jurisdiction and providing compensation for the judges thereof," with the accompanying engrossed amendments of

the Senate thereto, in which the concurrence of the House is respectfully requested.

Mr. Buskirk moved to concur in the engrossed amendments of the Senate, with the following amendment, viz:

Make Morgan, Monroe and Brown, one district.

Mr. Hudson moved to amend the amendment as follows, viz:

Amend so as to make Vigo county a district, and place Sullivan county with the counties of Clay, Owen and Greene.

Which was accepted.

Mr. Davis of Franklin submitted the following amendment to the amendment:

Amend by adding the county of Decatur to the counties of Franklin, Union and Fayette.

Which was agreed to.

Mr. Beach submitted the following amendment to the amendment:

Amend the 8th amendment by adding the following words after the word "Madison" in the 4th line, "also add Boone county to the county of Montgomery for a district."

Which was adopted.

Mr. Henry submitted the following amendment to the amendment:

To separate Lagrange from Elkhart, and make each a district.

Which was agreed to.

Mr. Doughty moved to amend the amendment as follows:

Amend by attaching "Henry county to Madison and Hancock."

Which was agreed to.

Mr. Lewis moved to amend the amendment by adding "Warrick to Vanderburgh."

Which motion prevailed.

Mr. Litchfield moved to amend the amendment by attaching Kosciusko county to Noble and Whitley counties.

Which was disagreed to.

Mr. Graham moved to amend the amendment by adding the county of Pike to the district of Knox, Daviess and Martin.

Which was agreed to.

Mr. Nelson moved to amend the amendment as follows:

Strike Adams from the district composed of the counties of Adams, Wells and Huntington, and add it to Allen.

Which was agreed to.

On motion by Mr. Stuart,

The bill and amendments were referred to the committee on the Organization of Courts of Justice.

A message from the Senate by Mr. Dunn their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has passed the following engrossed bills thereof:

No. 121, entitled "a bill for the incorporation of High schools, Academies, Colleges, Universities, Theological Institutions and Missionary Boards."

Also,

No. 122, entitled "a bill to organize a Supreme Court and prescribing certain duties of the judges thereof."

In which the concurrence of the House is respectfully requested.

Bills Nos. 121 and 122 contained in the foregoing message were each read a first time and passed to a second reading.

HOUSE BILLS ON THEIR THIRD READING.

No. 193. An act concerning mortgages.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Behm, Brady, Bryant, Buskirk, Chowning, Cowgill, Crawford, Crim, Davis of Sullivan, Dice, Dobson, Donaldson, Doughty, Douthit, Eccles, Foster, Gookins, Goudy, Graham, Hanna, Hart, Hay of Clark, Hays of White, Henry, Hicks, Holladay, Holman, Howell, Hudson, Huey, Huffstetter, Hunt, King, Lavery, Lawrence, Leviston, Lewis, Lindsey of Fayette, Litchfield, Major, Marrs, Mayfield, McAllister, McConnell, McDowell, Miller, Mudget, Nelson, Owen, Porter, Ray, Sale, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Wilson, Withers and Mr. Speaker—76.

Those who voted in the negative were,

Messrs. Carpenter, Cockrum, Cromwell, Gibson, Gunn, Helmer, Linsday of Howard, Schoonover, and Williams—9.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

No. 201. A bill regulating descents, and the apportionment of estates.

Was read a third time.

Mr. Gookins moved to recommit the bill to the Judiciary committee with the following instructions:

Amend section 2, by adding the following—

Provided, That if the intestate shall have left at his death, grand children only alive, they shall inherit equally.

Amend section 18, by striking out all after the word "deceased" and inserting in lieu thereof the following—

While they remain infants or unmarried, with remainder to the widow, and if there be no such children she shall take the whole.

Amend section 23, by striking out and inserting as follows—

SEC. 23. If a man die intestate, leaving a widow and a child or children, not exceeding four, the personal property of such intestate shall be equally divided among the widow and children, the widow taking an equal share with one child, but if the number of children exceed four, the widow's share shall not be reduced below one-fifth of the whole.

Amend section 26 by striking out—"and also of all lands in which her husband had an equitable interest at the time of his death," and insert in lieu thereof, "and to the extent of one-third in all equitable interests in lands held by him at his death."

Strike out the 28th section.

Strike out the 29th section.

Add at the end of the 30th section—

"To the extent of the purchase money paid by the husband in his life time."

The hour having arrived, the Speaker announced the special order of the day.

House bill,

No. 59. A bill to provide for the incorporation of railroad companies.

Mr. Owen moved to postpone the consideration of the bill until to-morrow morning 9 o'clock.

Which was disagreed to.

Mr. Stanfield moved to lay the bill on the table.

And the question being put,

The ayes and noes were demanded by Messrs. Behm and Reynolds.

Those who voted in the affirmative were,

Messrs. Barker, Brady, Buskirk, Doughty, Douthit, Gibson, Graham, Hay of Clark, Hunt, King, McDowell, Smith of Marion, Stanfield, Suit, and Torbet—15.

Those who voted in the negative were,

Messrs. Beach, Beane, Beeson, Behm, Bryant, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Eccles, Foster, Gookins, Goudy, Gunn, Hanna, Hart, Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Howell, Hudson, Huey, Huffstetter, Humphreys, Lavery, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McConnell, Miller, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Spencer, Staton, Stover, Struble, Stuart, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—75.

So the bill was not laid on the table.

Mr. Stanfield moved to amend the bill as follows:

Insert after section 2,

Such corporation shall, after filing a copy of their articles of association in the office of the Secretary of State, present the same to the General Assembly, accompanied by a petition for authority to establish their road, which shall specify the beginning, general course, termination, and important points on the road; and if the General Assembly shall approve thereof, an act shall be passed declaring said company a corporation, and authorizing such corporation, to construct their railroad, according to the provisions of this act.

Mr. Stuart moved to lay the amendment on the table;

And the question being put,

The ayes and noes were demanded by Messrs. Gibson and Reynolds.

Those who voted in the affirmative were,

Messrs. Barker, Beane, Beeson, Behm, Bryant, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donham, Doughty, Eccles, Foster, Goudy, Gunn, Hanna, Hays of White, Helmer, Henry, Hicks, Holladay, Howell, Huey, Huffstetter, Humphreys, Lavery, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Manson, McAllister, McConnell, McDowell, Miller, Mudget, Nelson, Owen, Ray, Reynolds, Sale, Schoonover, Scudder, Struble, Stuart, Sumner, Sweet, Taggart, Thompson, Walker, Wells, Williams, Wilson, and Withers—60.

Those who voted in the negative were,

Messrs. Brady, Buskirk, Donaldson, Douthit, Gibson, Gookins, Graham, Hart, Hay of Clark, Hudson, King, Lawrence, Major, Marrs, Mayfield, Porter, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stover, Suit, Torbet, Watson; and Mr. Speaker—27.

Messrs. Beach and Holman refused to vote.

So the amendment was laid on the table.

Mr. Wells submitted the following amendment:

Strike out so much as relates to security where it occurs, and insert tendered, where necessary.

Which was agreed to.

Mr. Donaldson submitted the following amendment:

The stockholders in every railroad company shall be individually responsible to an amount over and above their stock, equal to their respective shares of stock, for all debts or liabilities of said railroad company.

Mr. Behm moved to lay the amendment on the table;
And the question being put,

The ayes and noes were demanded by Messrs. Donaldson and Behm.

Those who voted in the affirmative were,

Messrs. Beane, Behm, Bryant, Carpenter, Cockrum, Cowgill, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Doughty, Eccles, Goudy, Graham, Gunn, Hays of White, Helmer, Henry, Hicks, Holladay, Hudson, Huey, Hunt, Lewis, Lindsey of Fayette, Linsday of Howard, Litchfield, Mayfield, McConnell, Miller, Mudget, Nelson, Owen, Reynolds, Sale, Shanklin, Stuart, Sumner, Sweet, Thompson, Walker, Wells, Wilson, and Withers—45.

Those who voted in the negative were,

Messrs. Barker, Beach, Beeson, Brady, Buskirk, Chowning, Crawford, Crim, Donaldson, Donham, Douthit, Foster, Gibson, Hanna, Hart, Hay of Clark, Holman, Howell, Huffstetter, Humphreys, Lavery, Lawrence, Leviston, Major, Manson, Marrs, McAllister, McDowell, Porter, Ray, Schoonover, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stover, Struble, Suit, Taggart, Torbet, Watson, Williams, and Mr. Speaker—43.

Mr. King refused to vote.

So the amendment was laid on the table.

On motion by Mr. Bryant,

The vote taken on laying Mr. Stanfield's amendment on the table was reconsidered.

Mr. Stuart then withdrew his motion to lay the amendment of Mr. Stanfield on the table.

The question then recurred on the adoption of Mr. Stanfield's amendment;

When, after some debate,

Mr. Davis of Sullivan moved to lay the amendment on the table.

And being put;

The ayes and noes were demanded by Messrs. Gibson and Stanfield.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Behm, Bryant, Chowning, Cowgill, Crawford, Crim, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donham, Eccles, Goudy, Gunn, Hanna, Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Howell, Huey, Huffstetter, Humphreys, Lavery, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Manson, Marrs, McAllister, McConnell, McDowell, Miller, Mudget, Nelson, Owen, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Spencer, Struble, Stuart, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams, Wilson, and Withers—62.

Those who voted in the negative were,

Messrs. Brady, Buskirk, Cockrum, Cromwell, Donaldson, Doughty, Douthit, Gibson, Gookins, Graham, Hart, Hay of Clark, Hudson, Hunt, King, Lawrence, Major, Mayfield, Porter, Sale, Smith of Marion, Stanfield, Stover, Suit, Torbet, and Mr. Speaker—26.

So the amendment was laid on the table.

Mr. Stanfield submitted the following amendment to the bill:

This act may be amended or repealed at the discretion of the Legislature.

Which was agreed to.

Mr. Hunt submitted the following amendment to the bill:

Amend section — as follows:

But nothing in this act shall be so construed as to confer upon any railroad company already incorporated any powers to locate its road on any route which would not have been authorized by the charter previously granted.

And the question being put on its adoption;

The ayes and noes were demanded by Messrs. McDowell and Gibson.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Brady, Bryant, Buskirk, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Donaldson, Doughty, Douthit, Eccles, Foster, Gibson, Gookins, Goudy, Graham, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Holman, Howell, Hudson, Huey, Humphreys, Hunt, Lavery, Lawrence, Leviston, Lewis, Lindsey of Fayette, Litchfield, Major, McAllister, McConnell, Miller, Nelson, Porter, Ray, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Stanfield, Staton, Stover, Struble, Suit, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, and Mr. Speaker—68.

Those who voted in the negative were,

Messrs. Barker, Beeson, Behm, Dobson, Donham, Hicks, Holladay, Huffstetter, King, Lindsay of Howard, Manson, Marrs, Mayfield, McDowell, Mudgett, Owen, Reynolds, Smith of Spencer, Stuart, Sumner, and Withers—21.

So the amendment was adopted.

The question then recurred on the engrossment of the bill.

And being put,

It was decided in the affirmative.

Mr. Nelson moved that the bill be considered as engrossed, and that it be read a third time now.

And the question being put,

The ayes and noes were demanded by Messrs. Suit and Stewart.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Behm, Bryant, Carpenter, Chowning, Cowgill, Crawford, Crim, Davis of Franklin, Davis of Sullivan, Dice, Doughty, Eccles, Gookins, Goudy, Hanna, Henry, Hicks, Holladay, Howell, Huey, Humphreys, Lavery, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Major, Manson, Marrs, McAllister, McConnell, McDowell, Miller, Mudgett, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Staton, Struble, Stuart, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, Wilson and Withers—58.

Those who voted in the negative were,

Messrs. Brady, Buskirk, Cockrum, Cromwell, Donaldson, Donham, Douthit, Foster, Gibson, Graham, Gunn, Hart, Hay of Clark, Hays of White, Helmer, Holman, Hudson, Huffstetter, Hunt, King, Lawrence, Litchfield, Mayfield, Sale, Smith of Marion, Smith of Spencer, Stanfield, Stover, Suit, Torbet, Williams and Mr. Speaker—32.

So the motion prevailed.

The clerk proceeded to read the bill, when

On motion by Mr. King,

The House adjourned.

2 o'clock, P. M.

The House met.

The clerk resumed the third reading of the following bill, under consideration at the last adjournment:

No. 59. A bill to provide for the incorporation of Railroad companies.

The bill was read a third time.

By unanimous consent of the House,

The bill was amended as follows: at the suggestion of Mr. Stover:

Amend the last section by adding "and the subject to the obligations herein specified."

The question being, Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Behm, Bryant, Carpenter, Chowning, Cowgill, Crawford, Crim, Cromwell, Davis of Sullivan, Dice, Dobson, Donham, Eccles, Foster, Goudy, Gunn, Hanna, Hays of White, Helmer, Henry, Hicks, Holladay, Howell, Huey, Huffstetter, Lavery, Leviston, Lindsey of Fayette, Litchfield, Manson, Marrs, McAllister, McConnell, McDowell, Miller, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Spencer, Stover, Struble, Stuart, Sumner, Sweet, Thompson, Walker, Watson, Wells, Wilson and Withers—60.

Those who voted in the negative were,

Messrs. Brady, Buskirk, Cockrum, Donaldson, Doughty, Douthit, Gibson, Gookins, Graham, Hart, Hay of Clark, Holman, Hudson, Humphreys, Hunt, King, Lawrence, Lewis, Lindsay of Howard, Major, Mayfield, Sale, Smith of Marion, Stanfield, Staton, Stevens, Suit, Taggart, Torbet, Williams and Mr. Speaker—31.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

No. 184. A bill authorizing Railroad companies to bridge navigable streams.

Postponed on yesterday till 10 o'clock A. M., to-day.

Was taken up,

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis of Sullivan, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Howell, Hudson, Huey, Huffstetter, Humphreys, Hunt, Laverty, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McConnell, Miller, Mudgett, Nelson, Owen, Porter, Ray, Reynolds, Sale, Schoonover, Scuddard, Shanklin, Smith of Spencer, Staton, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams, Wilson and Withers—80.

Those who voted in the negative were,

Messrs. Bryant, Buskirk, Dice, Gibson, Hay of Clark, King, McDowell, Smith of Marion, Stanfield, Torbet and Mr. Speaker—11.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

No. 147. A bill to regulate the traffic in intoxicating liquors, and for the prevention and remedy of the evils arising therefrom.

The bill having been read a third time,

The question was put, shall the bill pass?

Mr. McDowell moved to re-commit the bill to the committee on temperance, with the following instructions:

Re-commit with instructions to strike out the second section, and insert:

No person shall be allowed to retail any intoxicating liquors in any township in this State, where a remonstrance of voters of such township shall have been filed with the auditor of such county, within one year next preceding, unless such person file a petition with said auditor, signed by a larger number of the voters of such township than is signed to the remonstrance; in which event such person shall have the right to sell for one year, and no longer, unless by procuring a majority to another petition as hereinafter provided.

Mr. Taggart moved to amend the instructions as follows, viz:
Amend as follows:

SEC. 3. Any person who shall sell, barter or give away any intoxicating liquor at any election, or within one mile of any such election, before four o'clock P. M., of said day, except for medicinal purposes, shall for every such offence be fined not less than five nor more than twenty dollars.

Mr. Beach moved to amend the amendment as follows, viz:

Amend section 2 so as to fix the time when the authority to sell shall commence.

Amend section 3 so as to make the retailer liable for all violations of this act, either by himself or agent, directly or indirectly.

Amend section 8 by striking out the words "circuit court," and insert "the court trying the cause."

Amend section 9 by striking out the authority to imprison, and provide for the retailer giving bond conditioned for the payment of all fines that may be rendered against him for a violation of this act.

Amend section 10 by inserting after the word "sacramental," the word "culinary." Also add a penalty for a violation thereof, and that the bond shall be conditioned for the payment of all fines assessed thereon.

Add a section authorizing the auditor of the proper county to determine the number that shall constitute a majority of the voters of said town or township by reference to the duplicate in his office, or by such other evidence as he may have or obtain.

On motion by Mr. Gunn,

The bills, instructions and pending amendments were laid on the table.

By unanimous consent of the House,

Mr. Holman obtained leave and made the following report:

MR. SPEAKER:

The Judiciary committee, to whom was referred a petition from the citizens of Perry and Spencer counties, asking for a new county to be made out of a portion of the territory of each of said counties, and a diagram of said proposed new county, have had the same under consideration, and directed me to report the following bill and recommend its passage:

No. 242. A bill to submit to the voters of the counties of Perry and Spencer, at the general election for the year 1852, a proposal to create a new county out of a portion of the territory of said counties, under the provisions of the 15th specification of the schedule to the constitution, and providing for the manner of voting on said proposition, and the duty of the officers of election and of the clerks of the circuit courts and sheriffs of said counties respectively, and of the Secretary of State in relation thereto.

Which bill was read a first time, and passed to a second reading.

By unanimous consent of the House, Mr. Owen obtained leave and introduced,

No. 243. A bill to regulate the retailing of intoxicating liquors. Which was read a first time and passed to a second reading.

On motion by Mr. Gunn,

The vote laying the instructions and pending amendments to the instructions accompanying Mr. McDowell's motion to recommit No. 147, a bill to regulate the traffic in intoxicating liquors, &c., on the table,

Was reconsidered.

Mr. Gunn then withdrew his motion to lay on the table.

The question recurred on the adoption of the amendment to the amendment to the instructions offered by Mr. Beach.

And being put,

It was decided in the negative.

Mr. Sale submitted the following amendment to the amendment:

Amend section 5, by inserting after the word "sundry" and before "shall" the words "except for medical purposes;" also by inserting after "shall" in the first line the words "give away."

Amend section 10, by striking out the word "sales" in the 11th line and insert "penalty."

Add the following—

SEC. —. The word retail in this act shall be construed to mean selling or giving away in quantities less than——.

Which was disagreed to.

Mr. King submitted the following amendment to the amendment:

After word "retail" in section 2, to insert the following—"in quantities less than *one* gallon."

Which was agreed to.

Mr. Bryant moved to amend the amendment as follows:

Amend section 10, by inserting after the words "shall be" the following words—"for the purposes specified in this section, and."

Which was agreed to.

The question then recurred on the amendment of Mr. Taggart.

And being put;

The ayes and noes were demanded by Messrs. Taggart and King.

Those who voted in the affirmative were,

Messrs. Beane, Behm, Brady, Bryant, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Cromwell, Dice, Dobson, Donaldson, Doughty, Douthit, Eccles, Foster, Gibson, Gookins, Goudy, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Hudson, Hunt, King, Lawrence, Lewis, Lindsay of Howard, Litchfield, Manson, Marrs, Mayfield, McConnell, McDowell, Mudget, Nelson, Owen, Porter, Reynolds, Sale, Scudder, Shanklin, Smith of Marion, Staton, Stevens, Struble, Stuart, Suit, Taggart, Thompson, Walker, Watson, Williams, Wilson, Withers and Mr. Speaker—60.

Those who voted in the negative were,

Messrs. Barker, Beach, Beeson, Crawford, Crim, Donham, Geddes, Graham, Gunn, Hart, Holman, Howell, Huey, Huffstetter, Humphreys, Laverty, Leviston, Lindsey of Fayette, Major, McAllister, Miller, Ray, Smith of Spencer, Stover, Sumner, Sweet and Wells—27.

So the amendment to the instructions was adopted.

Mr. Gookins moved to amend the instructions by striking out the word "sacramental" wherever it occurs in the bill;

Which was disagreed to.

The question then recurred on recommitting the bill with instructions,

And being put,

It was decided in the affirmative.

HOUSE BILLS ON THIRD READING.

No. 205. A bill providing for contesting the election to any State, district, circuit, county or township office ;

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Gibson, Gookins, Goudy, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Hol-lady, Holman, Hudson, Huey, Huffstetter, Humphreys, Hunt, King, Lavery, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Manson, Marrs, Mayfield, McAllister, Mc-Connell, McDowell, Miller, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stover, Struble, Stuart, Suit, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Wil- liams, Wilson, Withers, and Mr. Speaker—85.

Mr. Hart voted in the negative.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

On motion by Mr. Behm,

The order of business was suspended and No. 230, a bill to create a special term of the Tippecanoe circuit court, was taken up.

The bill was read a second time, and ordered to be engrossed.

No. 206. A bill for the protection of lands held by or mortgaged to the State, and concerning charges thereon ;

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Dobson, Donham, Doughty, Douthit, Eccles, Foster, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Hunt, King, Lavery, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McConnell, McDowell, Miller, Nelson, Owen, Porter, Ray, Reynolds, Sale, Scudder, Shanklin, Smith of Marion, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—81.

Mr. Smith of Spencer vote in the negative.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

No. 201. A bill regulating descents, and the apportionment of estates.

At the time of taking up the special order this morning, the motion of Mr. Gookins to recommit with instructions was pending.

Mr. Holman moved to amend the instructions as follows, viz:

Strike out of the 18th section "\$500," and insert "\$300."

Mr. Graham moved to amend the amendment as follows:

Strike out \$200 and insert \$300.

Which was disagreed to.

Mr. Williams moved to amend the amendment by striking out "\$300," and insert \$400.

Which was disagreed to.

The question then recurred on Mr. Holman's amendment to the instructions;

And being put,

The ayes and noes were demanded by Messrs. Stover and Holman.

Those who voted in the affirmative were,

Messrs. Barker, Behm, Buskirk, Cockrum, Cowgill, Cromwell, Davis of Sullivan, Dobson, Foster, Graham, Gunn, Hart, Hay of Clark, Helmer, Hicks, Holman, Howell, Hudson, Huffstetter, Humphreys, King, Lavery, Mayfield, McAllister, Miller, Ray, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Spencer, Stanfield, Staton, Taggart, Thompson, Torbet, Walker, Withers, and Mr. Speaker—40.

Those who voted in the negative were,

Messrs. Beach, Beane, Beeson, Brady, Bryant, Carpenter, Chowning, Crawford, Crim, Davis of Franklin, Dice, Donaldson, Donham, Doughty, Douthit, Eccles, Goudy, Hanna, Hays of White, Henry, Holladay, Huey, Hunt, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Marrs, McConnell, McDowell, Mudgett, Nelson, Owen, Porter, Smith of Marion, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Watson, Wells, Williams, and Wilson—50.

So the amendment was disagreed to.

Mr. Holman submitted the following amendment to the instructions:

Provided, however, That in the event of the marriage of the widow while any of the children of the deceased are infants, the husband of such widow shall have no title or right to the property aforesaid, until such husband shall execute bond to the approval of the proper clerk of the court of common pleas, for the due application thereof to the benefit of such infant children during their minority, and in default of such bond, the title of such property shall vest absolutely in the infant children.

Which was agreed to.

The question recurred on recommitting the bill to the Judiciary committee, with the instructions of Mr. Gookins, as amended.

And being put,

It was agreed to.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the engrossed amendment of the House to engrossed bill of the Senate No. 70, entitled "A bill providing for the colonization of negroes and mulattoes, and their descendants; constituting a State Board of Colonization, declaring the duties of said board, and State Treasurer and county treasurers in relation thereto."

On motion by Mr. Litchfield,
The House adjourned.

WEDNESDAY MORNING, 8 o'clock, }
 April 28th, 1852. }

The House met.

The clerk proceeded to read the journal;
 When,

On motion by Mr. Davis of Franklin,

The further reading of the journal was dispensed with.

The Clerk proceeded to call the roll, when the following members answered to their names, viz:

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Dice, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Gibson, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Holladay, Holman, Hudson, Huey, Huffstetter, Humphreys, Laverty, Lawrence, Leviston, Lewis, Lindsey of Fayette, Linsday of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McConnell, McDowell, Miller, Mudgett, Nelson, Owen, Porter, Ray, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Thompson, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—83.

And the following members were absent without leave of the House, viz:

Messrs. Bulla, Buskirk, Davis of Sullivan, Dobson, Geddes, Hicks, Howell, Hunt, King, McDonald, and Torbet.

On motion by Mr. Struble,

Leave of absence was granted Mr. Taggart on account of sickness.

On motion by Mr. Davis of Sullivan,

It was ordered to be entered on the journal that the doorkeeper had moved the clock in the Hall five minutes forward on yesterday.

On motion by Mr. Hanna,

Leave of absence was granted Mr. Morris on account of sickness.

Mr. Owen moved that members who came into the Hall prior to the calling of the last name on the roll, shall be entitled to record their names.

Mr. Smith of Marion moved to amend the motion as follows, viz:

That the clerk shall call over the absentees.

Which was accepted.

The motion as amended was then agreed to.

PETITIONS AND MEMORIALS PRESENTED.

By Mr. Walker:

The memorial of sundry ladies of Perry county, praying the passage of a law similar to the Maine law;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Lewis:

Two memorials from sundry citizens of Warrick county, praying the passage of a law similar to the Maine law;

Which,

On motion,

Were referred to the committee on Temperance.

By Mr. Sumner:

The petition of sundry citizens of German township, Marshall county, praying the repeal of the law requiring the collection of a poll tax;

Which,

On motion,

Was referred to the committee on Ways and Means.

By Mr. Henry:

The petition of sundry citizens of Lagrange county, praying the passage of a law for the reduction of tolls for grinding grain;

Which,

On motion,

Was referred to the committee on Rights and Privileges of the Inhabitants of the State.

By Mr. McConnell:

The petition of J. M. Emerson and others of Steuben county, on the subject of seineing;

Which,

On motion,

Was referred to the committee on the Rights and Privileges of the Inhabitants of the State.

By Mr. Walker:

Two memorials from sundry citizens of Perry county, praying the passage of a law similar to the Maine law;

Which,

On motion,

Were referred to the committee on Temperance.

By Mr. Owen:

The petition of sundry citizens of Posey county, praying the change of the name of the town of Paris to that of Stewartsville;

Which,

On motion,

Was laid on the table.

By Mr. Suit:

Two memorials from sundry ladies and gentlemen of Clinton county, praying the passage of a law similar to the Maine law;

Which,

On motion,

Were referred to the committee on Temperance.

By Mr. Porter:

A memorial from sundry citizens of Switzerland county, praying the passage of a law similar to the Maine law;

Which,

On motion,

Was referred to the committee on Temperance.

REPORTS FROM COMMITTEES.

Mr. Holman, chairman of the committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary committee, to whom was referred House bill No. 194, entitled "an act concerning real property and the alienation thereof," have had the same under consideration, and instructed me to report the same back with the following amendments, and ask to be discharged from the further consideration of the subject:

Strike out section 3.

Strike out the words "or estopped" in section 7.

Strike out the words "of the usual form" in section 10.

Strike out the thirteenth, (13) fourteenth, (14) and sixteenth (16) sections, and insert the following section in lieu thereof:

SEC. —. Every person executing any deed or other instrument in writing may use such form of words as may be agreed upon between the parties, expressive of the purpose intended, and in construing every such instrument the language thereof shall receive its common and usual signification.

Insert in the third line in section 19, the words "or proved" after the word "grantor."

Amend by striking out in section 22d, the words "executed previously to the first day of January, 1853;" and also, strike out of said section the word "depositions" and insert "acknowledgments."

Amend by striking out sections 30, 41 and 45 in said bill.

The question being on concurring in the amendments reported by the committee,

Mr. Owen called a division of the question.

The question being first put on concurring in the amendment to

strike out sections 13, 14 and 16, and insert the section proposed by the committee,

Mr. Hudson moved to refer the bill and pending amendments to the committee on Agriculture.

On motion by Mr. Donaldson,

The motion of Mr. Hudson was laid on the table.

Mr. Withers moved to lay the amendment proposing to strike out sections 13, 14, and 16, and inserting — section (proposed by the committee,) on the table;

And the question being put,

The ayes and noes were demanded by Messrs. Stover and Holman.

Those who voted in the affirmative were,

Messrs. Barker, Beane, Beeson, Brady, Bryant, Carpenter, Chowning, Cockrum, Crawford, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Gibson, Goudy, Hay of Clark, Hays of White, Helmer, Henry, Hudson, Huey, Huffstetter, Humphreys, Hunt, Lawrence, Leviston, Lewis, Lindsey of Fayette, Linsday of Howard, Litchfield, Major, Manson, Marrs, McConnell, Miller, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Spencer, Stevens, Stover, Sweet, Walker, Wells, Williams, Withers, and Mr. Speaker—57.

Those who voted in the negative were,

Messrs. Beach, Behm, Buskirk, Cowgill, Crim, Cromwell, Davis of Franklin, Foster, Gookins, Graham, Gunn, Hanna, Hart, Hicks, Holladay, Holman, King, Lavery, Mayfield, McAllister, Sale, Smith of Marion, Stanfield, Staton, Struble, Stuart, Suit, Sumner, Thompson, Torbet, Watson, and Wilson—32.

So that part of the amendment was laid on the table.

On motion by Mr. Owen,

The other amendments reported by the committee,

Were concurred in.

Mr. Smith of Marion submitted the following amendment to the bill:

SEC. —. If a deed, mortgage or other instrument be acknowledged out of the State and hereafter recorded, the acknowledgment shall be valid if acknowledged in accordance with the laws of this State, or the laws of the State where such acknowledgment may be taken; *Provided*, That the officer taking the acknowledgment use a seal, or his official act is certified to by an officer using a seal, and the same be affixed to said certificate.

On motion by Mr. Gibson,

The amendment was laid upon the table.

The bill was then ordered to be engrossed.

On motion by Mr. Owen,

The bill was considered as engrossed, and read a third time.

On motion by Mr. Gookins,

By unanimous consent of the House,

The bill was amended by inserting in the 19th Sec. the words "volume and page," at the proper place.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beane, Beeson, Brady, Bryant, Carpenter, Chowning, Cockrum, Crawford, Crim, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Gibson, Goudy, Hay of Clark, Hays of White, Henry, Hicks, Huey, Huffstetter, Humphreys, Hunt, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Major, Manson, Marrs, McDowell, Miller, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Smith of Spencer, Stevens, Stover, Sumner, Sweet, Torbet, Walker, Wells, Williams and Mr. Speaker—56.

Those who voted in the negative were,

Messrs. Beach, Buskirk, Cowgill, Cromwell, Davis of Franklin, Foster, Gookins, Graham, Gunn, Hanna, Hart, Helmer, Holladay, Holman, Howell, Hudson, King, Laverty, Litchfield, Mayfield, McAllister, McConnell, Sale, Shanklin, Smith of Marion, Stanfield, Staton, Struble, Stuart, Suit, Watson and Wilson—32.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

Mr. Hudson from a select joint committee on the State Prison, made the following report:

MR. SPEAKER:

The select joint committee appointed in pursuance of a resolution of this House, to repair to the State Prison and investigate the extent of the injury occasioned by the fire which occurred on the 27th of February last,

Report, that on arriving at said prison, they found that two buildings, situate within the enclosure, had been almost entirely consumed by the fire. One of the buildings used as a machine shop, 380 feet long and 45 feet wide, two stories high and built of brick, was so utterly destroyed that in the opinion of your committee, the walls

will have to be entirely removed. Another building, being separate from the machine shop only 22 feet, a building 130 feet by 36 feet, built of brick, two stories high, and used as a bath house, dining room, wash house, bake room and tailor shop, was also seriously injured, but owing to the timely aid of several Fire companies from the city of Louisville, the fire was so suddenly extinguished, that in the opinion of your committee the walls may again be used.

Your committee are of the opinion, that had three large cisterns, which are in the enclosure, been located differently, the second building could have been saved, but owing to the close proximity of the cisterns to the buildings, as soon as the fire had spread to any extent, the heat became so intense, it was found impossible to approach them, and hence the firemen were driven from the water.

We would suggest a relocation of the cisterns, so that in the event of a similar occurrence water can be procured.

Your committee were unable to form any definite opinion as to the cause of the fire, there being two causes assigned for it, design and accident. It was impossible for your committee to ascertain whether the destruction was brought about by accident or by the hand of an incendiary. Your committee are gratified to state that there cannot be the least blame attached to the Lessee or any officer connected with the prison—moreover they take pleasure upon this occasion to state that the citizens of Jeffersonville, acted with commendable zeal in staying the further progress of the destroying element.

Your committee received from Mr. Miller, the former architect of the buildings, a careful estimate of the loss; and the probable cost to again rebuild and repair said prison, which estimate is placed at \$14,070.

All of which your committee would respectfully submit, and ask to be discharged from a further consideration of the subject.

JAMES S. ATHON, Senate.

R. N. HUDSON, { House.

A. J. HAY,

Which was concurred in.

Mr. Stover from the select joint committee on Revision made the following report:

MR. SPEAKER:

The select joint committee on Revision to whom was referred House bill No. 162, "in relation to agents of foreign insurance companies," have directed me to report the same back and recommend that it be laid on the table.

Which report was concurred in.

Mr. Owen from the select joint committee on Revision made the following report:

MR. SPEAKER:

The select joint committee on Revision to whom the subject was referred, have directed me to report No. 244, a bill concerning liens of mechanics, merchants and others, and recommend its passage.

The bill was read a first time and passed to a second reading.

Mr. Owen, from the select joint committee on Revision, made the following report:

MR. SPEAKER:

The select joint committee on Revision to whom was referred House bill No. 74, to regulate interest upon contract, and also House bill No. 161, to regulate interest on money, have had the subject under consideration, have prepared to be reported a general bill on the subject, and therefore recommend that the above named bills lie on the table.

Which report was concurred in.

On motion by Mr. Holman,
House bill No. 162, a bill in relation to agents of foreign Insurance companies, &c.

Was taken from the table, and

Referred to the Judiciary committee.

Mr. Owen from the select joint committee on Revision made the following report:

MR. SPEAKER:

The select joint committee on Revision, to whom was referred the subject, have instructed me to report No. 245, a bill "concerning the three per cent. fund, and the management thereof;" and to recommend its passage.

The bill was read a first time and passed to a second reading.

Mr. Owen, from the select joint committee on Revision, made the following report:

MR. SPEAKER:

The select joint committee on Revision, to whom was referred Senate bill No. 111, to provide for the sale of a certain quarter of

land in Dubois County, report the same back, and recommend, that it be laid on the table, as the power of sale proposed to be granted in said bill is incorporated in a general law regarding saline lands, reported, or to be reported, by your committee, and they ask to be discharged from the further consideration of the subject.

Which report was concurred in.

RESOLUTIONS OF THE HOUSE.

On motion by Mr. Hicks,

Resolved, That the Speaker be requested to fill the vacancy in the committee on Printing, occasioned by the resignation of the Hon. Wm. M. Harrison.

Mr. Smith of Marion was appointed to supply the vacancy occasioned by said resignation.

On motion by Mr. Lewis,

Resolved, That the select committee appointed to visit the State's Prison, give to this House any information they may have obtained during their visit to said prison, referring to the management of the prisoners, and also whether said prisoners and their sleeping rooms and bed clothes are in such condition as would be considered ordinarily sufficiently cleanly to preserve the health of the inmates.

Mr. Doughty submitted the following resolution:

Resolved, As the daily publication by the House of absentees is expensive to the State, does great injustice to a portion of the members, and is attended by no advantage: *Therefore be it resolved*, That the resolution of March 2d is hereby rescinded.

The Speaker entertained doubts whether the House should entertain the resolution, the House having indefinitely postponed a resolution on the same subject, and refused to reconsider the vote thereon on the 24th inst.

Mr. Davis of Sullivan moved that the resolution of Mr. Doughty be received.

And the question being put;

The ayes and noes were demanded by Messrs. Withers and Gibson.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Buskirk, Carpenter, Cowgill, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Doughty, Eccles, Goudy, Graham, Gunn, Hanna, Hart, Hicks, Holladay, Holman, Howell, Hudson, Humphreys, Hunt, King, Laverty, Lewis, Lindsey of Fayette, Lindsay of Howard, Major, Manson, Marrs, Mayfield, McAllister, McConnell, Miller, Mudgèt, Owen, Ray, Sale, Scudder, Shanklin, Smith of Marion, Stanfield, Staton, Stevens, Struble, Stuart, Sumner, Thompson, Walker, Watson, Wells, and Withers—62.

Those who voted in the negative were,

Messrs. Chowning, Cockrum, Crawford, Douthit, Foster, Gibson, Hay of Clark, Helmer, Henry, Huey, Huffstetter, Leviston, Litchfield, McDowell, Nelson, Porter, Reynolds, Schoonover, Smith of Spencer, Stover, Suit, Sweet, Williams, Wilson, and Mr. Speaker—25.

So the resolution was received.

Mr. Nelson moved to amend the resolution by adding to the preamble that the expenses incurred by repeated resolutions and discussions of this kind cost ten fold more than the publications alluded to.

On motion by Mr. Mudgèt,

The amendment was laid on the table.

The question being put on the adoption of the resolution,

The ayes and noes were demanded by Messrs. Gibson and Douthit.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beeson, Behm, Bryant, Buskirk, Cowgill, Crim, Cromwell, Davis of Sullivan, Dice, Donaldson, Donham, Doughty, Eccles, Gibson, Goudy, Graham, Hanna, Hicks, Holladay, Holman, Howell, Hudson, Humphreys, Hunt, King, Laverty, Lindsey of Fayette, Lindsay of Howard, Major, Manson, Marrs, Mayfield, McAllister, McConnell, McDowell, Miller, Mudgèt, Owen, Ray, Sale, Shanklin, Smith of Marion, Stanfield, Staton, Stevens, Stover, Struble, Sumner, Thompson, Torbet, Walker, Watson, and Withers—55.

Those who voted in the negative were,

Messrs. Beane, Brady, Carpenter, Chowning, Cockrum, Crawford, Dobson, Douthit, Foster, Gunn, Hart, Hay of Clark, Helmer, Henry, Huffstetter, Lawrence, Leviston, Lewis, Litchfield, Nelson, Porter, Reynolds, Schoonover, Scudder, Smith of Spencer, Stuart, Suit, Sweet, Wells, Williams, Wilson, and Mr. Speaker—32.

So the resolution was adopted.

Mr. Gibson moved to reconsider the vote on the adoption of the resolution requiring the House to meet at 8 o'clock in the morning;

And the question being put,

The ayes and noes were demanded by Messrs. Suit and Smith of Marion.

Those who voted in the affirmative were,

Messrs. Bryant, Cowgill, Davis of Sullivan, Dice, Donham, Gibson, Henry, Holladay, Hudson, King, Lindsey of Fayette, Litchfield, Manson, Mayfield, McDowell, Sale, Sumner, Thompson, and Torbet—19.

Those who voted in the negative were,

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Buskirk, Carpenter, Chowning, Cockrum, Crawford, Crim, Cromwell, Dobson, Donaldson, Doughty, Douthit, Eccles, Foster, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Helmer, Hicks, Holman, Howell, Huey, Huffstetter, Humphreys, Hunt, Lavery, Lawrence, Leviston, Lewis, Lindsay of Howard, Major, Marrs, McAllister, McConnell, Miller, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Suit, Sweet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—69.

So the vote was not reconsidered.

On motion by Mr. Douthit,

Resolved, That the committees having clerks in their employ, report to this House the necessity if any of continuing them.

Mr. Sumner introduced,

No. 28. A joint resolution on the subject of donating government lands of the State of Indiana to the State.

Which was read a first time and passed to a second reading.

Mr. Gibson introduced,

No. 29. A joint resolution in relation to the practice and pleading in the United State's courts.

Which was read a first time and passed to a second reading.

By unanimous consent of the House, Mr. Gibson obtained leave and introduced,

No. 246. A bill to authorize the Governor to sell the buildings on the Governor's Circle.

Which was read a first time and passed to a second reading.

By unanimous consent of the House, Mr. King obtained leave and introduced,

No. 247. A bill respecting foreign corporations and their agents in this State.

Which was read a first time and passed to a second reading.

By unanimous consent of the House, Mr. King obtained leave and introduced,

No. 248. A bill in relation to the construction of statutes and the definition of terms therein.

Which was read a first time and passed to a second reading.

Mr. McDowell moved the House adjourn.

And the question being put,

The ayes and noes were demanded by ten members.

Those who voted in the affirmative were,

Messrs. Beane, Beeson, Bryant, Cockrum, Crim, Cromwell, Davis of Sullivan, Dice, Donham, Goudy, Hanna, Henry, Holladay, Holman, Hudson, Huffstetter, Hunt, Leviston, Lindsey of Fayette, Manson, Marrs, Mayfield, McAllister, McDowell, Miller, Mudget, Reynolds, Scudder, Struble, Sumner, Walker and Watson—23.

Those who voted in the negative were,

Messrs. Barker, Beach, Behm, Brady, Buskirk, Carpenter, Chowning, Cowgill, Crawford, Davis of Franklin, Dobson, Donaldson, Doughty, Douthit, Eccles, Foster, Gibson, Gookins, Graham, Gunn, Hart, Hay of Clark, Helmer, Hicks, Howell, Huey, Humphreys, King, Lavery, Lawrence, Lewis, Linsday of Howard, Litchfield, Major, Nelson, Owen, Porter, Sale, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stover, Stuart, Sweet, Wells, Williams, Wilson, Withers and Mr. Speaker—52.

So the motion did not prevail.

Mr. Manson moved the House adjourn.

And the question being put,

The ayes and noes were demanded by ten members.

Those who voted in the affirmative were,

Messrs. Brady, Bryant, Buskirk, Cockrum, Crim, Davis of Sullivan, Dice, Donham, Foster, Gookins, Goudy, Henry, Holladay, Holman, Hudson, Huffstetter, Hunt, Lewis, Lindsey of Fayette, Manson, Marrs, Mayfield, McAllister, McDowell, Miller, Mudgett, Owen, Reynolds, Sale, Scudder, Struble, Stuart, Sumner, Walker and Watson—35.

Those who voted in the negative were,

Messrs. Barker, Beach, Beane, Behm, Carpenter, Chowning, Cowgill, Crawford, Cromwell, Davis of Franklin, Dobson, Doughty, Douthit, Eccles, Gibson, Graham, Gunn, Hanna, Hart, Hay of Clark, Helmer, Hicks, Huey, Humphreys, King, Laverty, Lawrence, Leviston, Lindsay of Howard, Litchfield, Major, Nelson, Porter, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stover, Sweet, Thompson, Wells, Williams, Wilson, Withers, and Mr. Speaker—47.

So the motion did not prevail.

On motion by Mr. Gibson,

A call of the House was ordered.

The clerk proceeded with the call when the following members answered to their names:

Messrs. Barker, Beach, Beane, Behm, Brady, Bryant, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donham, Doughty, Douthit, Eccles, Foster, Gibson, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Helmer, Henry, Hicks, Holladay, Holman, Howell, Hudson, Huey, Huffstetter, Humphreys, Hunt, Laverty, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McConnell, McDowell, Miller, Mudgett, Nelson, Owen, Porter, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stover, Struble, Sumner, Sweet, Thompson, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker.

On motion by Mr. Mudgett,

The further call of the House was suspended.

When,

On motion by Mr. Mudgett,

The House adjourned.

2 o'clock, P. M.

The House met.

Mr. King obtained leave and presented the temperance memorial from sundry citizens of Jefferson county;

Which,

On motion,

Was referred to the committee on Temperance.

ORDERS OF THE DAY.

House bills on third reading.

No. 212. A bill regulating prosecutions in cases of bastardy, and providing for the support of illegitimate children.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Howell, Hudson, Huey, Hunt, Kent, King, Lavery, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Marrs, Mayfield, McAllister, Miller, Nelson, Owen, Porter, Reynolds, Sale, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stevens, Stover, Struble, Sumner, Sweet, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers and Mr. Speaker—80.

Those who voted in the negative were,

Messrs. McDowell, Schoonover and Stuart—3.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

On motion by Mr. Buskirk,

Senate bill No. 95, a bill to repeal an act approved Jan. 5th, 1850,

relative to the duties of Auditor and Treasurer in the counties of Delaware and Randolph.

Was taken from the table.

On motion by Mr. Wilson,

The bill was amended by striking out Randolph county.

The bill was then ordered to a third reading.

By unanimous consent of the House,

Mr. Gookins made the following report, from the Judiciary committee.

MR. SPEAKER:

The committee on the Judiciary to whom was referred the bill regulating descents, and the distribution of estates, with certain instructions, have performed the duty assigned them, and instruct me to report the bill back to the House with the following amendments:

Amend section 2nd by adding the following: *Provided*, That if the intestate shall have left at his death, grand-children only alive, they shall inherit equally.

Amend section 18, by striking out all after the word "deceased," and insert the following:

"While they remain infants or unmarried, with remainder to the widow, and if there shall be no such children, she shall take the whole, *Provided*, that if the widow shall marry, while any of such children remain infants and unmarried, the husband shall within ten days after such marriage execute his bond payable to the State of Indiana, in a sufficient penalty, and with security to the approval of the clerk of the proper court of Common Pleas, conditioned for the true and faithful application of such property, or so much thereof as the widow may have at the time of the marriage, to the benefit of such children, and in default thereof, the title to such property, shall vest absolutely in such children.

Strike out section 23, and insert in lieu thereof the following:

SEC. 23. If a man die intestate, leaving a widow and a child or children not exceeding four, the personal property of such intestate shall be equally divided among the widow and children, the widow taking an equal share with one child, but if the number of children exceed four, the widows share shall not be reduced below one-fifth of the whole.

Amend Sec. 26, by striking out, "and also of all lands in which her husband had an equitable interest at the time of his death," and insert in lieu thereof:

And to the extent of one-third in all equitable interests in lands held by him at his death.

Strike out the 28th and 29th sections.

Add to the end of the 30th section as follows: to the extent of the purchase money paid by him in his life time.

The question being on concurring in the amendments reported by the committee,

Mr. Owen called a division of the question.

The question being first put on concurring in the amendments reported by the committee to sections 26, 28, 29 and 30,

It was decided in the negative.

The other amendments reported by the committee were concurred in.

Mr. Holman moved to recommit the bill to the Judiciary committee with the following instructions:

Recommit with instructions to so amend the bill that where the deceased left surviving him a widow and children, she shall take an interest in his real estate as follows:

1st. Where there is but one child, the widow shall take one-half of the real estate in fee simple, subject to a just proportion of the debts of the estate, or one-half absolutely for life, at her option.

2d. If there are two children, she shall take one-third of the real estate in fee simple, subject to the debts of the estate, or one-third for life, at her election.

3d. If there are three or more children, she shall take one-fourth of the real estate in fee, subject to the debts of the estate, or one-third for life.

4th. The widower shall take of the real estate of the wife according to the foregoing rules.

And the question being put,

The ayes and noes were demanded by Messrs. Holman and Behm.

Those who voted in the affirmative were,

Messrs. Beeson, Behm, Carpenter, Cockrum, Cowgill, Cromwell, Dobson, Doughty, Eccles, Foster, Gunn, Hart, Hay of Clark, Helmer, Holman, Howell, Huey, Huffstetter, Humphreys, King, Laverty, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, McAllister, Miller, Ray, Schoonover, Shanklin, Smith of Spencer, Stanfield, Staton, Struble, Stuart, Sumner, Torbet, Walker, Wells, Wilson, Withers, and Mr. Speaker—43.

Those who voted in the negative were,

Messrs. Barker, Beach, Beane, Brady, Bryant, Buskirk, Chowning, Crawford, Crim, Davis of Sullivan, Dice, Donaldson, Donham, Douthit, Gookins, Goudy, Graham, Hanna, Hays of White, Henry, Hicks, Holladay, Hudson, Hunt, Kent, Lewis, Litchfield, Manson,

Marrs, Mayfield, McConnell, McDowell, Mudget, Nelson, Owen, Porter, Reynolds, Sale, Smith of Marion, Stevens, Stover, Sweet, Thompson, Watson, and Williams—45.

So the bill was not so recommitted.

Mr. Smith of Spencer moved to lay the bill on the table ;

And the question being put,

The ayes and noes were demanded by Messrs. Owen and Smith of Spencer.

Those who voted in the affirmative were,

Messrs. Behm, Carpenter, Cockrum, Cowgill, Dobson, Graham, Gunn, Hart, Holman, Hudson, Huey, King, Laverty, Leviston, Lindsay of Howard, McAllister, Miller, Schoonover, Smith of Spencer, Struble, Stuart, Sumner, Torbet, Wells, and Mr. Speaker—25.

Those who voted in the negative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Bryant, Buskirk, Chowning, Crawford, Crim, Davis of Franklin, Davis of Sullivan, Dice, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Goudy, Hanna, Hays of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Humphreys, Hunt, Kent, Lawrence, Lewis, Lindsey of Fayette, Litchfield, Major, Manson, Marrs, Mayfield, McConnell, McDowell, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Sale, Scudder, Shanklin, Smith of Marion, Staton, Stevens, Stover, Sweet, Thompson, Walker, Watson, Williams, Wilson, and Withers—60.

So the bill was not laid on the table.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Brady, Bryant, Chowning, Crawford, Crim, Dice, Donaldson, Donham, Doughty, Douthit, Eccles, Goudy, Hanna, Hays of White, Henry, Hicks, Holladay, Hunt, Kent, Lawrence, Lewis, Lindsey of Fayette, Litchfield, Major, Marrs, McConnell, McDowell, Mudget, Nelson, Owen, Porter, Reynolds, Sale, Smith of Marion, Stanfield, Stevens, Stover, Sweet, Watson, and Mr. Williams—41.

Those who voted in the negative were,

Messrs. Barker, Beeson, Behm, Buskirk, Carpenter, Cockrum, Cowgill, Cromwell, Davis of Franklin, Davis of Sullivan, Dobs

Foster, Gookins, Graham, Gunn, Hart, Hay of Clark, Helmer, Holman, Howell, Hudson, Huey, Huffstetter, Humphreys, King, Laverly, Leviston, Lindsay of Howard, Major, Mayfield, McAllister, Miller, Ray, Sale, Schoonover, Scudder, Shanklin, Smith of Spencer, Staton, Struble, Stuart, Sumner, Thompson, Torbet, Walker, Wells, Wilson, Withers and Mr. Speaker—49.

So the bill did not pass.

Senate joint resolution No. 114. A joint resolution in relation to declaring the bridge over the Ohio river at Wheeling, Virginia, a post route;

Was read a third time.

Mr. McDowell moved to lay the joint resolution on the table.

And the question being put,

The ayes and noes were demanded by Messrs. Withers and Barker.

Those who voted in the affirmative were,

Messrs. Barker, Beane, Brady, Buskirk, Cowgill, Crawford, Crim, Davis of Sullivan, Dice, Dobson, Doughty, Douthit, Eccles, Foster, Helmer, Hicks, Hudson, Huey, Huffstetter, Kent, Laverly, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Mayfield, McConnell, McDowell, Miller, Nelson, Owen, Ray, Reynolds, Sale, Shanklin, Stevens, Sweet, Torbet, Williams, Wilson, Withers and Mr. Speaker—42.

Those who voted in the negative were,

Messrs. Beach, Beeson, Bryant, Carpenter, Chowning, Cockrum, Cromwell, Davis of Franklin, Donaldson, Donham, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Henry, Holladay, Holman, Howell, Humphreys, Hunt, King, Lawrence, Litchfield, Major, Manson, Marrs, McAllister, Porter, Schoonover, Scudder, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stover, Struble, Stuart, Thompson, Walker, Watson, and Wells—43.

So the joint resolution was not laid on the table.

The question then being, shall the joint resolution pass?

Those who voted in the affirmative were,

Messrs. Carpenter, Cowgill, Davis of Franklin, Hanna, Hay of Clark, Hays of White, Holman, Howell, Hunt, King, Lindsay of Howard, Manson, Marrs, Mayfield, McAllister, Nelson, Owen, Porter, Schoonover, Scudder, Smith of Marion, Smith of Spencer, Stan-

field, Staton, Stevens, Stover, Struble, Stuart, Thompson, Watson, Wells, Withers and Mr. Speaker—33.

Those who voted in the negative were,

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Buskirk, Chowning, Cockrum, Crawford, Crim, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Gookins, Goudy, Graham, Gunn, Hart, Helmer, Henry, Hicks, Holaday, Hudson, Huey, Huffstetter, Humphreys, Lavery, Lawrence, Leviston, Lindsey of Fayette, Litchfield, Major, McConnell, McDowell, Miller, Mudget, Ray, Reynolds, Sale, Shanklin, Sumner, Sweet, Torbet, Walker, Williams, and Wilson—54.

So the joint resolution did not pass.

On motion by Mr. Buskirk,

House bills Nos. 204, 211 and 213, were taken from the table and placed upon the files of the House.

On motion by Mr. Beeson,

The House adjourned.

THURSDAY MORNING, 8 o'clock, }
April 29th, 1852. }

The House met.

The journal of the preceding day was read.

PETITIONS, MEMORIALS AND REMONSTRANCES PRESENTED.

By Mr. King:

The petition from sundry citizens of the city of Madison, in relation to the act recently passed by this body on the subject of city charters;

Which,

On motion,

Was laid on the table.

By Mr. McDowell:

The memorial from sundry citizens of Wells county, on the subject of temperance;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Staton:

Several memorials from sundry citizens of Boone county, praying the passage of a law similar to the Maine law;

Which,

On motion,

Were referred to the committee on Temperance.

By Mr. Stevens:

The memorial of sundry ladies and gentlemen of Decatur county, praying the passage of a law similar to the Maine law;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Stevens:

A remonstrance, numerously signed by sundry citizens of Decatur, Rush, and Shelby counties, against the passage of the Maine, or any similar law;

Which,

On motion,

Was referred to the committee on Temperance.

REPORTS FROM COMMITTEES.

Mr. Gookins, from the Judiciary committee, made the following report:

MR. SPEAKER:

The Judiciary committee, to whom was referred House bill No. 203, entitled "An act regulating general elections, and prescribing the duties of officers in relation thereto," have had the same under consideration, and have instructed me to report the bill back, with the following amendments; and when so amended recommend its passage.

Strike out from the enacting clause to the word "provided," in section first, and insert the following in lieu thereof:

SECTION 1. A general election shall be held annually on the second Tuesday in October, at which all existing vacancies in office, and all officers whose terms will expire the next general election thereafter, shall be filled, unless otherwise provided by law.

Strike out in the third line of section 22, the word "may," and insert the word "shall."

Strike out the following words: "Administer an oath or affirmation

to any witness to testify touching the qualifications of such persons, or they may at any time during such investigation" in section twenty-two (22.)

Which amendments were concurred in.

The bill was then ordered to be engrossed.

On motion by Mr. Stover,

The bill was considered as engrossed, and read a third time.

Mr. Douthit moved to recommit the bill to the Judiciary committee, with the following instructions:

Strike out all after the word "box," in the 19th section.

Strike out the word "repeat," in the 27th section, and insert the word "examine."

On motion by Mr. Nelson,

The bill and instructions were laid on the table.

RESOLUTIONS OF THE HOUSE.

Mr. McDowell submitted the following resolution:

Resolved, That the committee on Rights and Privileges be instructed to report a bill providing for compelling persons owning wet land, to assist in draining the land, when required so to do by those owning lands adjacent thereto.

On motion by Mr. Shanklin,

The resolution was amended by making it one of inquiry.

The resolution, as amended, was then adopted.

Mr. King submitted the following resolution:

Resolved, That the real and personal property of any person dying intestate, shall descend and be subject to the intestate's debts, as follows:

First. Two-thirds thereof in equal shares to his children, and lawful issue of deceased children, by right of representation; and one-third to the widow.

Second. If he leave no children or issue of children, one-half thereof to the father and mother in joint tenancy, or to the survivor of them, and one-half to the widow.

Third. If he leave no father or mother, to brothers and sisters living, and the issue of such as are dead, tenants in common, one-half of the estates, and the other third thereof to the widow.

Fourth. If there be no father or mother, nor brothers and sis-

ters, or descendants of brothers and sisters, then it shall descend and be distributed as follows:

If the inheritance came to the intestate by gift, descent or devise, from the paternal line, one-half thereof shall go to the paternal grand parents, as joint tenants, or to the survivor; and the other half to the widow. If there be none of the paternal kindred entitled to share with the widow, as above, then the maternal kindred shall share with her in said proportion. If the inheritance came to the intestate by gift, descent or devise, from the maternal line, one-half thereof shall go to the maternal grand parents, as joint tenants, or to the survivor, and the other half to the widow. If there be none of the maternal kindred entitled to share the same with the widow, then the paternal grand parents shall share the same with the widow in said proportion.

If it shall happen that the inheritance came partly from the paternal and partly from the maternal line of ancestors, then the portion so coming from each line shall descend according to the two preceding rules.

If there be no widow, then the portion which would descend to her by the above rules, shall go to the persons specified therein.

In the case above specified, where there is a widow, she shall have an election to take under the foregoing provisions, subject to her deceased husband's debts.

In case she shall not elect to take under the foregoing provisions, she shall be entitled to an estate for life in one-third of her husband's real estate of which he died seized, and also of that in the conveyance of which, during coverture, she did not join, with remainder in fee to the children, and issue of deceased children of the intestate free from all demand of creditors.

If a wife die intestate, leaving a widower, her real estate shall descend to him subject to all debts of the wife contracted before marriage, and according to the foregoing provisions.

Mr. Smith of Spencer moved to amend the resolution as follows:

If there be no father or mother, all shall go to the widow.

On motion by Mr. Davis of Sullivan,

The resolution and amendment were laid on the table.

By unanimous consent of the House,

Mr. Holman obtained leave and made the following report:

MR. SPEAKER:

The Judiciary committee to whom was referred House bill No. 208, with certain instructions, have performed the duty assigned them and report back the bill with the following amendment in com-

pliance with the instructions and ask to be discharged from the further consideration of the subject.

Strike out the second section and insert in lieu thereof:

SEC. —. Every such action shall be brought in the name of the "State of Indiana," for the use of the person, or persons entitled to the proceeds of any judgment recorded therein, as provided in the next section: *Provided however*, That no such action shall be maintained unless the deceased shall have left surviving him, a widow, or infant child, to receive the amount of the recovery.

On motion by Mr. Holman,

The bill with the pending amendments were recommitted to the Judiciary committee without instructions.

Mr. Huffstetter moved to reconsider the vote of yesterday on the passage of House bill,

No. 201. A bill regulating descents and the apportionment of estates.

And the question being put;

The ayes and noes were demanded by Messrs. Doughty and Smith of Spencer.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cowgill, Crawford, Crim, Cromwell, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Gibson, Gookins, Goudy, Gunn, Hanna, Hay of Clark, Hays of White, Henry, Hicks, Holladay, Holman, Hudson, Huey, Huffstetter, Hunt, Kent, King, Laverty, Lawrence, Leviston, Lewis, Lindsey of Fayette, Linsday of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McConnell, McDowell, Miller, Mudgett, Nelson, Owen, Porter, Ray, Reynolds, Sale, Scudder, Smith of Marion, Staton, Stevens, Stuart, Suit, Sumner, Sweet, Walker, Watson, Wells, Williams, and Withers—73.

Those who voted in the negative were,

Messrs. Behm, Cockrum, Davis of Franklin, Davis of Sullivan, Graham, Hart, Helmer, Howell, Humphreys, Schoonover, Shanklin, Smith of Spencer, Thompson, Wilson, and Mr. Speaker—15.

So the vote was reconsidered.

Mr. Huffstetter moved to recommit the bill to a select committee with the following instructions:

To strike out the word "five" where it occurs in sections 18 and 19, and insert "three."

Also, to add after section 17, the following section—

SEC. —. If a widow shall marry a second or any subsequent time, holding real estate in virtue of any previous marriage, such widow may not, during such marriage, with or without the assent of her husband, alienate such real estate. And if, during such marriage, such widow shall die, such real estate shall go to her children by the marriage in virtue of which such real estate came to her, if any there be.

Mr. Linsday of Howard called a division of the question.

Mr. Smith of Spencer moved to change the reference of the bill and instructions to the Judiciary committee.

Which was disagreed to.

The question being put first on striking out "\$500" and insert "\$300."

The ayes and noes were demanded by Messrs. Smith of Spencer and Linsday of Howard.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Behm, Bryant, Bulla, Buskirk, Chowning, Cockrum, Cowgill, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Eccles, Foster, Gibson, Gookins, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Howell, Hudson, Huffstetter, Humphreys, Kent, King, Laverty, Leviston, Lewis, Linsday of Howard, Marrs, Mayfield, McAllister, McConnell, Miller, Mudget, Nelson, Owen, Ray, Reynolds, Sale, Schoonover, Scudder, Shanklin, Stevens, Stuart, Suit, Sweet, Walker, Watson, Williams, Wilson, Withers, and Mr. Speaker—67.

Those who voted in the negative were,

Messrs. Brady, Carpenter, Crawford, Donham, Doughty, Douthit, Goudy, Huey, Hunt, Lawrence, Lindsey of Fayette, Litchfield, Major, Manson, McDowell, Porter, Smith of Marion, Smith of Spencer, Stover, Sumner, Thompson, and Wells—22.

So the proposition was agreed to.

The question then being on the adoption of the second branch of the instructions,

Mr. Smith of Spencer moved to amend the instructions by striking out the second branch and inserting the following:

Amend so that the widow shall take the right of dower only, instead of the fee simple interest, in case there is a child or children.

And the question being put,

The ayes and noes were demanded by Messrs. Owen and Smith of Spencer.

Those who voted in the affirmative were,

Messrs. Behm, Carpenter, Cockrum, Davis of Franklin, Davis of Sullivan, Dobson, Foster, Gunn, Hart, Helmer, Huey, Humphreys, King, Major, Smith of Spencer, Thompson, and Mr. Speaker—17.

Those who voted in the negative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Bryant, Bulla, Buskirk, Chowning, Cowgill, Crawford, Crim, Cromwell, Dice, Donaldson, Donham, Doughty, Douthit, Eccles, Gookins, Goudy, Graham, Hanna, Hay of Clark, Hays of White, Henry, Hicks, Holladay, Holman, Howell, Hudson, Huffstetter, Hunt, Kent, Laverty, Lawrence, Leviston, Lewis, Lindsey of Fayette, Linsday of Howard, Litchfield, Manson, Marrs, Mayfield, McAllister, McConnell, McDowell, Miller, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Stanfield, Staton, Stevens, Stover, Suit, Sumner, Sweet, Walker, Watson, Wells, Williams, Wilson, and Withers—72.

So the amendment was not agreed to.

Mr. Holladay moved to amend by striking out the entire instructions, and insert, that the bill be amended to give to the widow one-fourth instead of one-third.

And the question being put;

The ayes and noes were demanded by Messrs. Owen and Holladay.

Those who voted in the affirmative were,

Messrs. Holladay and Sumner—2.

Those who voted in the negative were,

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Chowning, Cowgill, Crawford, Crim, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holman, Howell, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent,

King, Lavery, Lawrence, Leviston, Lindsey of Fayette, Linsday of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McConnell, McDowell, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stevens, Stover, Suit, Sweet, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—84.

So the proposition was not agreed to.

Mr. Holman moved to amend the instructions as follows, viz:

That where the deceased left surviving him a widow and children, she shall take an interest in the real estate as follows:

1st. Where there is but one child, the widow shall take one-half of the real estate in fee simple, subject to a just proportion of the debts of the estate, absolutely or for life at her option.

2d. If there are two children, she shall take one-third of the real estate in fee simple, subject to the debts of the estate, or one-third for life, at her election.

3d. If there are three or more children, she shall take one-fourth of the real estate in fee, subject to the debts of the estate, or one-third for life.

4th. The widower shall take of the real estate of the wife according to the foregoing rules.

And the question being put,

The ayes and noes were demanded by Messrs Owen and Lewis.

Those who voted in the affirmative were,

Messrs. Beeson, Behm, Bulla, Carpenter, Cockrum, Cowgill, Cromwell, Davis of Franklin, Davis of Sullivan, Dobson, Donaldson, Donham, Foster, Graham, Hart, Hay of Clark, Helmer, Hicks, Holman, Howell, Huey, Humphreys, King, Lawrence, Lindsey of Fayette, Linsday of Howard, Major, Mayfield, McAllister, McConnell, Schoonover, Scudder, Shanklin, Smith of Spencer, Stuart, Sumner, Thompson, Torbet, Wells, Wilson, Withers, and Mr. Speaker—42.

Those who voted in the negative were,

Messrs. Barker, Beach, Beane, Brady, Bryant, Buskirk, Chowning, Crim, Dice, Doughty, Douthit, Eccles, Gibson, Gookins, Goudy, Gunn, Hanna, Hays of White, Henry, Holladay, Huffstetter, Hunt, Kent, Leviston, Lewis, Litchfield, Manson, Marrs, McDowell, Miller, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Sale, Smith of Marion, Stanfield, Staton, Stevens, Stover, Suit, Sweet, Walker, Watson, and Williams—47.

So the instructions were not so amended.

Mr. Wells submitted the following amendment to the instructions:

Amend the instructions as follows:

When a husband and wife die, leaving no children, and no father or mother, but brothers and sisters, one-half the estate shall go to the husband or wife, as the case may be, and the brothers and sisters, or in case all or any of them shall be dead, leaving children, then the children shall take the other half; if there be no brothers or sisters, or their children, then the whole shall go to the survivor.

And the question being put,

The ayes and noes were demanded by Messrs. Owen and Smith of Marion.

Those who voted in the affirmative were,

Messrs. Behm, Bulla, Cockrum, Cromwell, Davis of Franklin, Dobson, Graham, Hart, Smith of Spencer, and Wells—10.

Those who voted in the negative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Bryant, Buskirk, Carpenter, Chowning, Cowgill, Crim, Davis of Sullivan, Dice, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Gibson, Gookins, Goudy, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McConnell, McDowell, Miller, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Stanfield, Staton, Stevens, Stover, Suit, Sumner, Sweet, Thompson, Torbet, Walker, Watson, Williams, Wilson, Withers and Mr. Speaker—77.

So the amendment was disagreed to.

Mr. King moved to amend the instructions as follows:

If a husband die intestate, leaving a widow and children, the widow shall have an election to take one-third part of the intestate's estate in fee, subject to the proportion of the husband's debts, or to take a life estate in one-third part thereof, free from all claims of creditors, with remainder in fee to children, and the other two-thirds to the children.

If the intestate leave no children, the widow shall take one-third part of the estate absolutely.

And the question being put,

The ayes and noes were demanded by Messrs. Holman and King.

Those who voted in the affirmative were,

Messrs. Behm, Bulla, Carpenter, Cockrum, Cowgill, Cromwell, Davis of Franklin, Davis of Sullivan, Dobson, Donaldson, Doughty, Foster, Graham, Gunn, Hart, Helmer, Hicks, Holman, Huey, King, Lavery, Lawrence, Major, Mayfield, McAllister, McConnell, Ray, Sale, Schoonover, Scudder, Smith of Spencer, Staton, Stevens, Thompson, Torbet, Wells, Wilson, Withers, and Mr. Speaker—39.

Those who voted in the negative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Bryant, Buskirk, Chowning, Crim, Dice, Donham, Douthit, Eccles, Gibson, Gookins, Goudy, Hanna, Hay of Clark, Hays of White, Henry, Holladay, Howell, Huffstetter, Humphreys, Hunt, Kent, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Manson, Marrs, McDowell, Miller, Mudgett, Nelson, Owen, Porter, Reynolds, Shanklin, Smith of Marion, Stover, Suit, Sweet, Walker, Watson, and Williams—48.

So the amendment was not adopted.

Mr. Smith of Spencer, submitted the following amendment to the instructions:

If the husband die, leaving a widow and no children, the widow shall have one-half of the real and personal property, and the other half shall go to the father or mother of the deceased. If there be any children and the real estate does not exceed one thousand dollars, the widow shall have the fee simple during her natural life-time, and then if any children be living, the right shall vest in them.

Which was disagreed to.

The question then being on recommitting the bill with the instructions of Mr. Huffstetter,

And being put;

The ayes and noes were demanded by Messrs. Owen and Holman.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Brady, Bryant, Buskirk, Chowning, Crim, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Gibson, Gookins, Goudy, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Howell, Huey, Huffstetter, Humphreys, Hunt, Kent, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Manson, Marrs, Mayfield, McAllister, McConnell, McDowell, Miller, Nelson, Owen, Porter, Ray, Reynolds, Sale, Schoonover, Scudder, Smith

of Marion, Stanfield, Staton, Stevens, Stover, Stuart, Suit, Sumner, Sweet, Thompson, Torbet, Walker, Watson, Wells, Williams and Mr. Speaker—71.

Those who voted in the negative were,

Messrs. Beeson, Behm, Bulla, Carpenter, Cockrum, Cowgill, Cromwell, Davis of Franklin, Graham, Hart, Holman, King, Lavery, Major, Mudget, Shanklin, Smith of Spencer, Wilson, and Withers—19.

So the bill was recommitted with the instructions.

Messrs. Huffstetter, Owen, and Gibson were appointed said committee.

On motion by Mr. Buskirk,

House bill No. 173. A bill to provide for the valuation of the real and personal property, &c.;

And the instructions reported by the joint select committee on Revision, on the 27th inst., together with the recommendation of said committee to refer the same to the committee on Ways and Means, was taken from the table.

On motion by Mr. Buskirk,

The consideration of the bill, instructions and recommendation, was postponed until 2 o'clock, P. M. to-day, and made the special order of the day for that hour.

Mr. Brady moved to reconsider the vote of the House taken on the 23d inst., instructing the committee on the Judiciary to provide (in House bill No. 208) for restricting right of action to cases of deceased persons leaving a widow and children or either;

Which was agreed to.

On motion by Mr. Gibson,

The instructions were laid on the table.

On motion by Mr. Gibson,

House bill No. 199. A bill providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases;

Was taken from the table and placed upon the files of the House.

By unanimous consent of the House,

Mr. Lindsay of Howard obtained leave and made the following report:

MR. SPEAKER:

The Temperance committee, to whom House bill No. 147 was recommitted, with certain instructions, have had the same under consideration, and directed me to report the same back to the House, and recommend that the bill and instructions lie upon the table.

Which report was concurred in.

Mr. Lavery, from the joint committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The joint committee on Enrolled Bills have this day presented to the Governor, for his approval, enrolled joint resolution of the House No. 27.

Mr. Lavery, from the joint committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The joint committee on Enrolled Bills have compared enrolled joint resolution of the House No. 27, with the engrossed copy thereof and find the same correctly enrolled.

A message from the Governor by Mr. King executive messenger:

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives that he has approved and signed the following bills, viz:

No. 152. An act authorizing the State Librarian to contract for re-covering the State House with fire and water proof composition roofing material, or Boston sheet paper; also, for the re-painting of the outside wood work, and the necessary plastering to the same.

No. 27. A joint resolution relative to bounty lands.

Which bills originated in the House of Representatives.

On motion by Mr. Howell,
The House adjourned.

2 o'clock, P. M.

The House met.

On motion by Mr. Shanklin,
Leave of absence was granted Mr. Struble on the account of the sickness of his family.

The Speaker announced the special order of the day for this hour, viz:

No. 173. A bill to provide for the valuation of the real and personal property, &c., together with the following instructions, reported from the joint select committee on Revision, viz:

Refer to the committee of Ways and Means, to amend as follows:

First. Strike out the words "products of this State," in the section relating to fixing consignments.

Second. Strike out all in relation to taxing United States stocks.

Third. Strike out all in relation to listing and assessing property by township assessors, and substitute county assessors.

Fourth. Strike out all in relation to the election and qualification of auditors and treasurers.

Fifth. Strike out all in relation to licenses of merchants, groceries, and for vending clocks.

Sixth. Strike out all in relation to fees of auditor and treasurer.

Seventh. Strike out all on the subject of penalties and fines, for failing or refusing to give a correct list of property; or neglect of duty on the part of any officer connected with the assessment and collection of revenue.

The question being on concurring in the reference and instructions reported by the committee,

On motion by Mr. Buskirk,

The instructions were considered separately.

The question being first on concurring in the third instruction reported by the committee,

Mr. Huffstetter moved to amend the third instruction as follows:

Amend, by having three assessors in each county, one of which shall be living in the same district with each of the county commissioners, and shall be elected in the same way.

Which was disagreed to.

The question then recurred on concurring in the 3rd instruction reported by the committee.

And being put,

The ayes and noes were demanded by Messrs. Stanfield and Reynolds.

Those who voted in the affirmative were,

Messrs. Barker, Bryant, Bulla, Buskirk, Carpenter, Cockrum, Douthit, Foster, Gibson, Goudy, Hay of Clark, Holman, Huffstetter, Hunt, Kent, King, Leviston, Mayfield, Ray, Scudder, Stanfield, Staton, Stover, Stuart, Thompson, Walker and Mr. Speaker—27.

Those who voted in the negative were,

Messrs. Beach, Beane, Beeson, Behm, Brady, Chowning, Cowgill, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donham, Eccles, Gookins, Graham, Gunn, Hanna, Hart, Hays of White, Henry, Hicks, Holladay, Holman, Hudson, Huey, Humphreys, Lawrence, Lewis, Lindsey of Fayette, Linsday of Howard, Litchfield, Major, Manson, McAllister, McConnell, McDowell, Miller, Mudget, Nelson, Owen, Porter, Reynolds, Sale, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Stevens, Suit, Sumner, Sweet, Torbet, Watson, Wells, Williams, Wilson and Withers—59.

So the third instruction was not concurred in.

The question was then put on concurring in the first instruction. Which was disagreed to.

The question was then put on concurring in the 2nd instruction.

The ayes and noes were demanded by Messrs. Manson and Behm.

Those who voted in the affirmative were,

Messrs. Brady, Bryant, Cowgill, Gookins, Hart, Hays of White, Helmer, Hudson, Huey, Kent, King, Laverty, Lawrence, Litchfield, Marrs, Owen, Porter, Reynolds, Sale, Scudder, Shanklin, Smith of Marion, Stanfield, Staton, Stover, Suit, Watson, Wells, Wilson and Withers—30.

Those who voted in the negative were,

Messrs. Barker, Beach, Beane, Beeson, Behm, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Douthit, Eccles, Foster, Goudy, Graham, Gunn, Hanna, Hay of Clark, Henry, Hicks, Holladay, Holman, Howell, Huffstetter, Humphreys, Hunt, Leviston, Lewis, Lindsey of Fayette, Linsday of Howard, Major, Manson, Mayfield, McAllister, McConnell, McDowell, Miller, Mudget, Nelson, Ray, Schoonover, Smith of Spencer, Stevens, Stuart,

Sumner, Sweet, Thompson, Torbet, Walker, Williams and Mr. Speaker—59.

So the second instructions was not concurred in.

The question was then put on concurring in the 4th, 5th, 6th and 7th instructions separately,

And agreed to.

Mr. Behm moved to amend the instructions as follows :

Amend the instructions so as to allow persons to deduct the amount of their indebtedness, to citizens of this State from the assessment of their personal property.

Mr. McDowell moved to amend the amendment as follows, viz: Strike out all that relates to poll tax.

And the question being put on its adoption;

The ayes and noes were demanded by Messrs. McDowell and Manson.

Those who voted in the affirmative were,

Messrs. Behm, Graham, Huey, King, Manson, McDowell, Smith of Marion, Stover, Sumner, and Thompson—10.

Those who voted in the negative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Douthit, Eccles, Foster, Gookins, Goudy, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Hudson, Huffstetter, Humphreys, Hunt, Kent, Laverly, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Marrs, Mayfield, McAllister, McConnell, Miller, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Spencer, Stanfield, Staton, Stevens, Stuart, Suit, Sweet, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers and Mr. Speaker—78.

So the amendment to the amendment was disagreed to.

Mr. Hudson moved to amend the amendment as follows:

So as to deduct his indebtedness owing in the county in which he is taxed.

On motion by Mr. Withers,
The amendment to the amendment was laid on the table.

Mr. McDowell moved to amend as follows:
That all taxes collected from Negroes and Mulattoes be appropriated to the colonization of Negroes and Mulattoes.
Which was agreed to.

The question then recurred on the amendment of Mr. Behm,
And being put,
The ayes and noes were demanded by Messrs. Withers and Behm.

Those who voted in the affirmative were,

Messrs. Beeson, Behm, Bulla, Crim, Cromwell, Davis of Franklin, Dobson, Doughty, Douthit, Foster, Gibson, Graham, Gunn, Hart, Hay of Clark, Helmer, Hicks, Holladay, Howell, Huey, Humphreys, King, Lawrence, Leviston, Lindsey of Fayette, Marrs, Mayfield, McDowell, Miller, Nelson, Reynolds, Sale, Shanklin, Smith of Spencer, Stanfield, Stevens, Stover, Suit, Sumner, Thompson, Walker, Watson, and Wilson—43.

Those who voted in the negative were,

Messrs. Barker, Beach, Beane, Brady, Bryant, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Davis of Sullivan, Dice, Donaldson, Donham, Eccles, Hanna, Hays of White, Henry, Holman, Huffstetter, Hunt, Kent, Laverty, Lewis, Lindsey of Howard, Litchfield, Major, Manson, McAllister, McConnell, Mudget, Owen, Porter, Ray, Schoonover, Scudder, Smith of Marion, Staton, Stuart, Sweet, Torbet, Wells, Williams, Withers, and Mr. Speaker—45.

So the amendment was not adopted.

Mr. Laverty offered the following amendment to the instructions:

Amend by striking out all that relates to taxing rail road, plank road, turnpike road, slack water navigation and canal stocks, and distributing the tax so collected among the different counties in proportion to the length of said improvements, and in lieu of said provisions insert a provision that all such stocks be taxed as other property, where the holders of such stocks shall reside.

On motion by Mr. McConnell,
The amendment was laid on the table.

Mr. Hicks moved to amend the instructions, viz:

After the word "person," insert the words "if a male."
Which was disagreed to.

Mr. King submitted the following amendment to the instructions, viz:

Amend instructions so as to allow persons to deduct the amount of their indebtedness from the assessment of their personal property.

On motion by Mr. Withers,
The amendment was laid on the table.

Mr. Dobson moved to amend the instructions as follows, viz:

That the committee provide in the assessment law that it shall be the duty of the assessors to meet the tax payers at some suitable time, at the place of holding elections, for the purpose of taking a list of their property.

Mr. Davis of Franklin, submitted the following amendment to the amendment, viz:

Amend by inserting in the proper place, "that this legislature is determined to tax the very air we breathe, and the light of the sun that shines upon us."

On motion by Mr. Withers,
The amendment to the amendment was laid on the table.

Mr. Foster submitted the following amendment to the amendment, viz:

Strike out the 30th blank section on pages 16 and 17.

Which was disagreed to.

The question being put on the adoption of Mr. Dobson's amendment,

It was decided in the negative.

Mr. Douthit moved to amend the instructions as follows, viz:

30th page, 3d line—Strike out the words "county seminary," and insert "common school fund."

50th page, 17th line—Strike out the word "December," and insert "February."

51st page, 5th line—Strike out the word "December," and insert "January."

52d page—Strike out all in relation to eight per centum.

62d page—Strike out all in relation to publishing list of delinquency, and require a copy of such delinquency to be posted up on the court house door.

64th page, 22d line—Strike out the word "fifty," and insert "twenty-five."

70th page—Strike out the last section.
Which was disagreed to.

Mr. Doughty moved to amend the instructions as follows:

Amend by striking out "August," and insert "September," on page 39th, line 16th, and also on page 41st, line 10th.

Which was disagreed to.

Mr. Behm moved the House adjourn;
Which was disagreed to.

Mr. Stevens moved to amend the instructions as follows:

Add "white" before "male."

Which was agreed to.

Mr. Hicks offered the following amendment to the instructions, viz:

Amend the instructions: All persons not having more than one thousand dollars' worth of property may deduct from taxables the amount of his or her indebtedness.

Which was disagreed to.

Mr. Behm moved to lay the whole subject on the table;
And the question being put,
The ayes and noes were demanded by Messrs. Behm and King.

Those who voted in the affirmative were,

Messrs. Behm, Bulla, Cockrum, Cromwell, Davis of Franklin, Doughty, Graham, Gunn, Hicks, King, Laverty, Leviston, McDowell, Scudder, Smith of Spencer, and Thompson—16.

Those who voted in the negative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Bryant, Buskirk, Carpenter, Chowning, Cowgill, Crim, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Douthit, Eccles, Foster, Gibson, Gookins, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Holladay, Holman, Howell, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, Lawrence, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McConnell, Miller, Mudget, Nelson, Porter, Ray, Reynolds, Sale, Schoonover, Shanklin, Smith of Marion, Stanfield, Staton, Stover, Stuart, Sweet, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—69.

So the subject was not laid on the table.

The question then recurred on committing the bill with the instructions;

And being put,

It was decided in the affirmative.

On motion by Mr. Huffstetter,

Leave of absence was granted Mr. Barker on the account of the sickness of his family.

On motion by Mr. King,

The House adjourned.

FRIDAY MORNING, 8 o'clock, }
April 30, 1852. }

The House met.

The Clerk proceeded to read the journal; when,

On motion by Mr. Behm,

The further reading of the journal was dispensed with.

PETITIONS AND MEMORIALS PRESENTED.

By Mr. Walker:

The memorial of sundry ladies and gentlemen of Perry county, praying the passage of a law similar to the Maine law;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Cockrum:

The memorial of sundry citizens of Gibson county, praying the passage of a law similar to the Maine law;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Wilson:

The memorial of sundry citizens of Randolph county, praying the passage of a law similar to the Maine law;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Cockrum:

The memorial of sundry ladies of Gibson county, praying the passage of a law similar to the Maine law;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Cockrum:

The memorial of sundry youths of Gibson county, praying the passage of a law similar to the Maine law;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Suit:

The memorial of sundry citizens of Prairieville, Clinton county, praying the passage of a law similar to the Maine law;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Reynolds:

The petition of sundry citizens of Grant county, praying the passage of a law for the draining of swamp lands;

Which,

On motion,

Was referred to the committee on the Rights and Privileges of the Inhabitants of the State.

By Mr. Stuart:

The petition of sundry citizens of Cass county, praying the relief of William Jackson;

Which,

On motion,

Was referred to the committee on Education.

By Mr. Huey:

A memorial from sundry citizens of Jay county, on the subject of temperance;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Stuart:

The memorial of sundry citizens of Cass county, praying the passage of a law for the reduction of the tolls on the Wabash and Erie Canal;

Which was read, and

On motion,

Referred to the select committee heretofore appointed on that subject.

REPORTS FROM COMMITTEES.

Mr. Lindsay of Howard, from the committee on Ways and Means, made the following report:

MR. SPEAKER:

The committee of Ways and Means, to whom was referred joint resolution of the Senate No. 112, providing for opening a correspondence with the State of Ohio, in order to regulate the assessments and taxation of personal property, have had the subject under consideration and directed me to report the same back to the House and recommend its passage.

The joint resolution (No 112) was ordered to a third reading.

Mr. Stover, from the joint select committee on Revision, made the following report:

MR. SPEAKER:

The joint select committee on Revision, to whom was referred House bill No. 191, a bill to amend the 3d section of an act entitled an act to incorporate the White River Navigation Company, approved February 13th, 1851, and to extend the rights and privileges of said company, and a majority of said committee have recommended me to report the same back for the action of the House.

The bill was read a second time.

On motion by Mr. Cookins,
The bill was referred to the Judiciary committee.

Mr. Stover, from the select joint committee on Revision, made the following report:

MR. SPEAKER:

The select joint committee on Revision, to whom was referred the subject, have instructed me to report No. 249, a bill prescribing the powers and duties of Auditor of State," and to recommend its passage.

The bill was read a first time and passed to a second reading.

Mr. Carpenter, from the committee on Ways and Means, made the following report:

MR. SPEAKER:

The committee on Ways and Means, to whom was referred engrossed bill of the House No. 177, entitled "A bill to provide for equalizing the appraisement for taxation of the real property in the State of Indiana," have had the same under consideration, and have instructed me to report the same back to the House, with the accompanying amendments, and to recommend the adoption of the amendments and the passage of the bill.

Amendments recommended by the committee of Ways and Means, to House bill No. 177.

Amend the second section by striking out the word "May," and inserting "June," in lieu thereof.

Amend section 5 in the same manner.

Amend section 6 by striking out the words "tax duplicate," and inserting the words "list of assessments," in lieu thereof.

Amend section 8 by striking out the words "Thursday after the second Monday in June," and inserting the words "Monday in July" in lieu thereof.

Amend section 14 by adding at the close the words "and Indiana Statesman."

The amendments were concurred in.

The bill was considered as engrossed and read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beane, Beeson, Behm, Brady, Bryant, Bulla, Carpenter, Chowning, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Doughty, Douthit, Gookins, Goudy, Gunn, Hanna, Hays of White, Helmer, Henry, Holladay, Holman, Huey, Huffstetter, Hunt, King, Lawrence, Leviston, Lindsey of Fayette, Linsday of Howard, Marrs, Mayfield, McAllister, McConnell, McDowell, Miller, Mudget, Nelson, Owen, Reynolds, Sale, Shanklin, Smith of Marion, Stover, Suit, Sweet, Thompson, Torbet, Walker, Watson, Wells, and Withers—54.

Those who voted in the negative were,

Messrs. Beach, Buskirk, Cockrum, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Eccles, Foster, Graham, Hart, Hay of Clark, Hicks, Howell, Humphreys, Litchfield, Major, Porter, Ray, Schoonover, Scudder, Smith of Spencer, Stanfield, Staton, Stevens, Sumner, Williams, Wilson, and Mr. Speaker—30.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

RESOLUTIONS OF THE HOUSE.

On motion by Mr. Douthit,

Resolved, That the committee on Benevolent and Scientific Institutions be requested to examine the laws regulating the admission of pupils into the Deaf and Dumb Asylum, and report whether the rules adopted by the Trustees of the Asylum are in harmony with the spirit of such laws.

On motion by Mr. Smith of Marion,

Resolved, That the Quarter-Master General be directed to inform this House of the condition of the arms belonging to the State, the expense and convenience of keeping the same under the present arrangement, and such other information relating to the subject as he may consider important to communicate to the House.

Mr. Davis of Franklin submitted the following resolution:

Resolved, That the Judiciary committee be instructed to report a bill authorizing county treasurers to retain — per centum per annum of the State revenue, to be expended under the direction of the county board, for the purpose of erecting county buildings where such buildings may have been destroyed by fire.

On motion by Mr. Torbet,

The resolution was amended by making it one of enquiry.

The resolution as amended was adopted.

Mr. Withers introduced,

No. 30. A joint resolution.

Which was read a first time and passed to a second reading.

By unanimous consent of the House,

Mr. Behm obtained leave and introduced,

No. 250. A bill to abolish the office of State Agent, and to require the Auditor of State to perform the duties now required of said agent.

Which was read a first time and passed to a second reading.

By unanimous consent of the House,

Mr. Hay of Clark obtained leave and introduced,
 No. 251. A bill for the regulation of the penitentiary.
 Which was read a first time and passed to a second reading.

By unanimous consent of the House,
 Mr. Helmer obtained leave and introduced,
 No. 252. A bill declaring abduction a felony and providing for
 its punishment.
 Which was read a first time and passed to a second reading.

By unanimous consent of the House,
 Mr. Huffstetter, chairman of the committee on Roads, made the
 following report:

MR. SPEAKER:

The committee on Roads to whom was referred Senate bill No.
 59, authorizing the Board doing county business to declare water
 courses navigable, have had the same under consideration, and have
 directed me to report the same back with one amendment, and when
 so amended recommend its passage.

Strike out section 5, and insert the following:

The declaration of navigable water courses as navigable by said
 county board, shall not affect any mill, nor any dam, aqueduct,
 Viaduct, bridge, or machinery which has been or may hereafter be
 established on said stream.

The amendments were concurred in, and the bill ordered to a
 third reading.

ORDERS OF THE DAY.

House Bills on third Reading.

No. 198. A bill concerning the accumulation, suspension of
 ownership and joint tenancy of personal property.

Was read a third time.

The question being, Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Bus-
 kirk, Carpenter, Chowning, Cockrum, Crawford, Crim, Cromwell,
 Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Gib-
 son, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark,

Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Howell, Hudson, Huey, Huffstetter, Hunt, King, Laverty, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Marrs, McAllister, McConnell, McDowell, Miller, Mudgett, Nelson, Owen, Porter, Ray, Reynolds, Sale, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stover, Stuart, Sumner, Sweet, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—80.

Mr. Mayfield voted in the negative.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

HOUSE BILLS ON SECOND READING.

No. 214. A bill concerning promissory notes, and bills of exchange;

Was read a second time.

Mr. Gookins submitted the following amendment:

Amend section 6, by striking out "or in which such bank has a beneficial interest."

Which was agreed to.

On motion by Mr. Hudson,

The bill was referred to the Judiciary committee.

No. 215. A bill to encourage the growth of silk;

Was read a second time.

Mr. Smith of Marion moved to refer the bill to the committee on Agriculture;

Which was disagreed to.

The bill was ordered to be engrossed.

No. 216. A bill regarding inspectors of salt, beef, pork, flour, tobacco and hay;

Was read a second time.

Mr. Hart moved to amend the bill by striking out 10 cents and insert 15.

Mr. Williams moved to amend the amendment by striking out 15 and insert 40 cents for inspecting pork and beef;

Which was accepted.

The question then being put on the adoption of the amendment; It was decided in the negative.

Mr. Foster submitted the following amendment, viz:

Strike out the form of oath and insert "shall take an oath to discharge the duties required of him by this act."

Which was disagreed to.

Mr. Withers submitted the following amendments, viz:

Amend by inserting in the proper place the following:

SEC. —. In case the owner of any article, shall feel himself aggrieved by the decision of any inspector, he may appeal, to a jury of 3 disinterested persons, one to be selected by the inspectors, one by such aggrieved person, and the 2 so selected to choose a 3rd person, and the 3 so selected shall decide such grievance, and their decision to be final.

Which was disagreed to.

Mr. Beeson moved to amend the bill by striking out "10" cents and insert "25" cents for inspecting beef and pork.

Which was disagreed to.

The question then being put on the engrossment of the bill.

It was decided in the affirmative.

By unanimous consent of the House,

Mr. Huffstetter obtained leave and made the following report:

MR. SPEAKER:

The select committee to whom was referred House bill No. 201, to regulate descents and the apportionment of estates, with instructions, report the same back, amended according to the instructions of the House, and recommend its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Brady, Bryant, Buskirk, Chowning, Crawford, Crim, Dice, Donaldson, Donham, Douthit, Eccles, Gibson, Goudy, Hanna, Hays of White, Henry, Holladay, Huffstetter, Hunt, Kent, Lawrence, Leviston, Lewis, Lindsey of Fayette, Linsday of Howard, Litchfield, Manson, Marrs, McAllister, McConnell, McDowell, Miller, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Smith of Marion, Stanfield, Stevens, Stover, Stuart, Suit, Sweet, Walker, Watson and Williams—50.

Those who voted in the negative were,

Messrs. Beeson, Behm, Bulla, Carpenter, Cockrum, Cowgill, Cromwell, Davis of Sullivan, Dobson, Doughty, Foster, Gookins, Graham, Gunn, Hart, Hay of Clark, Helmer, Hicks, Holman, Howell, Hudson, Huey, Humphreys, King, Lavery, Major, Mayfield, Sale, Schoon-

over, Scudder, Shanklin, Smith of Spencer, Staton, Sumner, Thompson, Torbet, Wells, Wilson, Withers and Mr. Speaker—40.

So the bill did not passed.

No. 218. A bill to regulate electric Telegraph companies.

Was read a second time.

Mr. King moved to amend the 2nd section by inserting the word "copying" in the proper place.

Which was agreed to.

On motion by Mr. Gookins,

The bill was referred to the Judiciary committee.

No. 217. A bill concerning the unlawful detention of lands and the recovery thereof.

Was read a second time.

On motion by Mr. Carpenter,

The bill was referred to the Judiciary committee.

HOUSE BILLS ON THEIR THIRD READING.

No. 230. A bill to create a special term of the Tippecanoe circuit court.

Was read a third time.

The question being, Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Behm, Brady, Bryant, Buskirk, Chowning, Cowgill, Crawford, Crim, Cromwell, Davis of Sullivan, Dice, Dobson, Donham, Douthit, Eccles, Foster, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Howell, Huey, Huffstetter, Humphreys, Hunt, Kent, King, Laverty, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Marrs, Mayfield, McAllister, McConnell, McDowell, Miller, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stevens, Stover, Stuart, Suit, Sumner, Sweet, Thompson, Torbet, Walker, Watson, Wells, Wilson, Withers, and Mr. Speaker—79.

No person voted in the negative.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

HOUSE BILLS ON THEIR SECOND READING.

No. 219. A bill touching easements.

The bill was read a second time and ordered to be engrossed.

No. 220. A bill for the encouragement of fire companies.

Was read a second time.

Mr. King submitted the following amendment to the bill:

The real and personal property of active firemen of regularly organized fire companies, who shall have done the duty of a fireman, for one year preceding the time of listing, and to an amount not exceeding five hundred dollars shall be exempt from taxation.

Mr. Hudson moved to amend the amendment:

By exempting them from corporation tax only.

Which was agreed to.

Mr. Smith of Marion moved to amend the amendment so as to include corporation poll tax.

Which was disagreed to.

Mr. King moved to amend the amendment by striking out "\$500," and insert "\$700."

Which was disagreed to.

Mr. Carpenter moved to amend the amendment by striking out "\$500" and insert "\$250."

Which was disagreed to.

Mr. Hicks moved to amend the amendment by striking out all but the poll tax.

Which was disagreed to.

The question then being put on the adoption of the amendment.

It was decided in the affirmative.

The bill was then ordered to be engrossed.

No. 221. A bill concerning county prisons.

Was read a second time.

Mr. Hunt submitted the following amendment:

Amend section — as follows—

Juvenile prisoners shall be treated with humanity and in a manner calculated to promote their reformation; they shall be kept if the jail will admit of it in apartments separate from those containing more experienced and hardened criminals; the visits of parents, guardians and friends who desire to exert a moral influence over them shall at all reasonable times be permitted.

Which was agreed to.

The bill was then ordered to be engrossed.

No. 223. A bill concerning trusts and powers.

Was read a second time.

Mr. Graham moved to refer the bill to the Judiciary committee.

Which was disagreed to.

The bill was then ordered to be engrossed.

No. 224. A bill to authorize and limit allowances by courts and boards and drafts upon county treasurers.

Was read a second time.

Mr. Carpenter submitted the following amendments to section 8:

Add to the section after the word asylum, "and may also contract with physicians to attend upon the poor generally in the county."

And the question being put on its adoption,

The ayes and noes were demanded by Messrs. Carpenter and Holladay.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Behm, Brady, Carpenter, Cockrum, Davis of Sullivan, Donham, Doughty, Douthit, Gookins, Goudy, Graham, Hanna, Hart, Helmer, Holladay, Holman, Howell, Huffstetter, Humphreys, King, Lavery, Lawrence, Lewis, Lindsay of Howard, Litchfield, Manson, Marrs, Mayfield, McAllister, Mudget, Nelson, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stuart, Suit, Sumner, Sweet, Thompson, Watson, and Wells—48.

Those who voted in the negative were,

Messrs. Beeson, Bryant, Bulla, Buskirk, Chowning, Cowgill, Crawford, Crim, Cromwell, Dice, Dobson, Donaldson, Eccles, Foster, Gibson, Gunn, Hay of Clark, Hays of White, Henry, Hicks, Hudson, Huey, Hunt, Kent, Leviston, Lindsey of Fayette, Major, McConnell, McDowell, Miller, Owen, Porter, Ray, Reynolds, Stevens, Stover, Torbet, Walker, Williams, Wilson, Withers, and Mr. Speaker—42.

So the amendment was adopted.

On motion by Mr. Hudson,

The bill was laid on the table.

Mr. Buskirk obtained leave and offered the following preamble and resolution:

WHEREAS, There is a large amount of business that demands immediate action, before several of the committees: therefore, for the purpose of enabling the said committees to meet, it is

Resolved, That when this House adjourns, it will adjourn to meet again to-morrow morning at 8 o'clock.

Mr. Gookins moved to amend by inserting in the preamble after the word "meet," the words "at the circus;"

Which was disagreed to.

On motion by Mr. Stover,

The resolution was laid on the table.

Mr. Mudget called up House bill No. 201, a bill regulating descents and the apportionment of estates, which was lost on its passage this morning, there not being a constitutional vote therefor.

Mr. King moved the House adjourn;

Which motion did not prevail.

Mr. Smith of Marion moved a call of the House;

Which was not agreed to.

The question being, Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Brady, Bryant, Buskirk, Chowning, Crawford, Crim, Dice, Donaldson, Donham, Douthit, Eccles, Gibson, Goudy, Hanna, Hay of Clark, Hays of White, Henry, Hicks, Holaday, Huffstetter, Hunt, Kent, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Manson, Marrs, Mayfield, McAllister, McConnell, McDowell, Miller, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Smith of Marion, Stanfield, Stevens, Stover, Stuart, Suit, Sweet, Walker, Watson, Williams, and Withers
—54.

Those who voted in the negative were,

Messrs. Behm, Bulla, Carpenter, Cockrum, Cowgill, Cromwell, Davis of Sullivan, Dobson, Doughty, Foster, Gookins, Graham, Gunn, Hart, Helmer, Holman, Howell, Hudson, Huey, Humphreys, King, Laverty, Major, Sale, Schoonover, Scudder, Shanklin, Smith of Spencer, Staton, Sumner, Thompson, Torbet, Wells, Wilson, and Mr. Speaker—35.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

On motion by Mr. Davis of Sullivan,

Senate joint resolution No. 8, A joint resolution relative to the three per cent. fund,

Was taken from the table.

The joint resolution was read a third time.

Mr. Davis of Sullivan, moved to recommit the joint resolution to the committee on Roads, with the following instructions:

Strike out the 2d section, and insert,

That a committee of one on the part of each House be appointed to proceed to Washington and negotiate with the Government of the United States in relation to this fund, so as to procure, if possible, its payment, and report their action to this General Assembly on or before the 7th of June: *Provided*, That no extra per diem allowance shall be allowed to said committee; and *provided, further*, that the Governor be requested to furnish said committee with such facts and suggestions in relation to this fund, as in his judgment may be proper.

And the question being put,

The ayes and noes were demanded by Messrs. Suit and Stanfield.

Those who voted in the affirmative were,

Messrs. Beach, Beeson, Brady, Buskirk, Chowning, Cockrum, Davis of Sullivan, Dobson, Donaldson, Douthit, Eccles, Foster, Hanna, Hart, Henry, Holman, Howell, Kent, Lewis, Lindsay of Howard, Litchfield, Major, Manson, McAllister, McConnell, Nelson, Porter, Ray, Scudder, Smith of Spencer, Staton, Stuart, Sweet, Thompson, Watson, Wells, Withers, and Mr. Speaker—38.

Those who voted in the negative were,

Messrs. Beane, Behm, Bryant, Bulla, Carpenter, Cowgill, Crawford, Crim, Dice, Donham, Doughty, Gookins, Goudy, Graham, Gunn, Hay of Clark, Hays of White, Helmer, Hicks, Holladay, Hudson, Huey, Huffstetter, Humphreys, Hunt, King, Lavery, Lawrence, Leviston, Lindsey of Fayette, Marrs, Mayfield, McDowell, Miller, Mudget, Owen, Reynolds, Sale, Schoonover, Shanklin, Smith of Marion, Stanfield, Stover, Suit, Sumner, Torbet, Walker, Williams, and Wilson—49.

So the motion did not prevail.

The question being, Shall the joint resolution pass?

Those who voted in the affirmative were,

Messrs. Beane, Davis of Sullivan, Dice, Hanna, Helmer, Henry, Howell, Humphreys, Lewis, Lindsay of Howard, McAllister, Nelson, Ray, Stover, Williams, and Mr. Speaker—16.

Those who voted in the negative were,

Messrs. Beach, Beeson, Brady, Bryant, Bulla, Buskirk, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Dobson, Donham, Doughty, Douthit, Eccles, Foster, Gibson, Gookins, Graham, Gunn,

Hart, Hay of Clark, Hays of White, Hicks, Holladay, Holman, Hudson, Huey, Huffstetter, Hunt, Kent, King, Lavery, Lawrence, Leviston, Lindsey of Fayette, Major, Manson, Marrs, Mayfield, McConnell, McDowell, Miller, Mudgett, Owen, Porter, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stuart, Suit, Sumner, Sweet, Thompson, Torbet, Walker, Watson, Wells, Wilson, and Withers—69.

So the joint resolution did not pass.

On motion by Mr. Buskirk,
The vote just taken was reconsidered.

On motion by Mr. Buskirk,
The vote ordering the joint resolution to a third reading,
Was then reconsidered.

On motion,
The joint resolution was referred to the committee on Roads.
On motion by Mr. Holman,

House bill No. 203, A bill regulating general elections, and prescribing the duties of officers, &c.;

Was taken from the table.

On motion by Mr. Douthit,
The House adjourned.

2 o'clock, P. M.

The House met,

And resumed the consideration of House bill No. 203, which was pending at last adjournment.

On motion Mr. Holman,
The bill was laid on the table.

On motion by Mr. Behm,

House bill No. 196, A bill to regulate the tariff of tolls on the Wabash and Erie canal,

Was taken from the table, and placed upon the files of the House.

No. 225. A bill concerning fugitives from justice;
Was read a second time.

On motion by Mr. Stanfield,
The bill was referred to the Judiciary committee.

No. 226. A bill in relation to special elections;
Was read a second time and ordered to be engrossed.

No. 227. A bill touching vacancies in office, and filling the same by appointment;

Was read a second time and ordered to be engrossed.

No. 228. A bill regulating the election and duties of State Librarian;

Was read a second time.

Mr. Doughty submitted the following amendment:

Add a section providing that the librarian shall provide curtains for the windows of the Hall of the House of Representatives.

Which was not adopted.

Mr. Holman submitted the following amendment to the bill:

SEC. 1. That the State Librarian subscribe, on behalf of the State, for one copy of each of the public weekly newspapers published within the same, annually, from and after the taking effect of this act, at the uniform rate of advanced payment.

SEC. 2. It shall be the duty of said librarian, annually to cause all the newspapers so subscribed for and received, to be bound in separate and appropriate volumes, and preserve the same in the State Library.

SEC. 3. The State Librarian shall apply, of the monies that have been or that may be appropriated to the State Library, a sum sufficient to meet the expense incurred under the provisions of this act.

Mr. King moved to amend the amendment by striking out the 3d section of the amendment.

Which was disagreed to.

Mr. Douthit moved to lay the amendment on the table;

And the question being put,

The ayes and noes were demanded by Messrs. Holman and Douthit.

Those who voted in the affirmative were,

Messrs. Brady, Davis of Sullivan, Dice, Dobson, Donaldson, Douthit, Eccles, Gookins, Goudy, Graham, Hanna, Hays of White, Helmer, Howell, Hudson, Huey, Huffstetter, Humphreys, Hunt, Lavery, Lawrence, Leviston, Lewis, Lindsey of Fayette, Litchfield, Major, Marrs, Miller, Ray, Reynolds, Schoonover, Scudder, Staton, Suit, Walker, Watson, Williams, Wilson, and Withers—39.

Those who voted in the negative were,

Messrs. Beach, Beane, Beeson, Behm, Bryant, Bulla, Buskirk, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Donham, Doughty, Foster, Gunn, Hart, Hay of Clark,

Henry, Hicks, Holladay, Holman, Kent, King, Linsday of Howard, Manson, Mayfield, McAllister, McConnell, McDowell, Mudgett, Nelson, Owen, Sale, Shanklin, Smith of Marion, Smith of Spencer, Stevens, Stover, Sumner, Sweet, Wells, and Mr. Speaker—45.

So the amendment was not laid on the table.

Mr. Behm moved to amend the amendment as follows, viz:

Provided the cost of such papers and binding shall not be defrayed out of the sum annually appropriated to the State Library.

And the question being put on its adoption,

The ayes and noes were demanded by Messrs. Behm and Davis of Franklin.

Those who voted in the affirmative were,

Messrs. Behm, Cowgill, Davis of Franklin, Gookins, Goudy, Hays of White, Hollady, Hudson, King, Laverty, Manson, Mayfield, McDowell, Nelson, Owen, Sale, Smith of Spencer, and Stevens—18.

Those who voted in the negative were,

Messrs. Beach, Beane, Beeson, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Crawford, Crim, Cromwell, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Doughty, Douthitt, Eccles, Foster, Graham, Gunn, Hanna, Hart, Hay of Clark, Helmer, Henry, Hicks, Holman, Howell, Huey, Huffstetter, Humphreys, Hunt, Kent, Lawrence, Leviston, Lewis, Lindsey of Fayette, Linsday of Howard, Litchfield, Major, McAllister, McConnell, Miller, Mudgett, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Staton, Stover, Stuart, Suit, Sumner, Sweet, Thompson, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—69.

So the amendment was not adopted.

Mr. Lewis submitted the following amendment to the amendment:

By authorizing the Librarian to purchase not more than thirty papers, making the selection himself, purchasing an equal number of Democratic and Whig papers.

Mr. Behm moved to lay the amendment on the table.

And the question being put,

The ayes and noes were demanded by Messrs. Lewis and Behm.

Those who voted in the affirmative were,

Messrs. Beane, Behm, Brady, Bryant, Bulla, Cowgill, Crim, Crom-

well, Davis of Franklin, Davis of Sullivan, Dice, Donham, Doughty, Douthit, Eccles, Foster, Goudy, Gunn, Hanna, Hart, Hay of Clark, Helmer, Hicks, Holladay, Howell, Huey, Huffstetter, Humphreys, King, Lawrence, Lindsey of Fayette, Litchfield, Manson, McDowell, Miller, Mudgett, Owen, Ray, Reynolds, Sale, Scudder, Shanklin, Smith of Marion, Stanfield, Staton, Stevens, Sweet, and Thompson—48.

Those who voted in the negative were,

Messrs. Beach, Beeson, Buskirk, Carpenter, Chowning, Crawford, Donaldson, Gookins, Graham, Hays of White, Henry, Holman, Hudson, Hunt, Kent, Laverty, Leviston, Lewis, Lindsay of Howard, Major, Mayfield, McAllister, McConnell, Nelson, Schoonover, Smith of Spencer, Stover, Stuart, Suit, Sumner, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—37.

So the amendment was laid on the table.

The question then being put on the adoption of the amendment of Mr. Holman,

The ayes and noes were demanded by Messrs. Holman and Douthit.

Those who voted in the affirmative were,

Messrs. Beach, Bryant, Buskirk, Davis of Franklin, Doughty, Hart, Hay of Clark, Hays of White, Helmer, Holladay, Holman, Kent, Manson, McDowell, Nelson, Sale, Smith of Marion, Stevens, Stover, Stuart, Thompson, and Mr. Speaker—22.

Those who voted in the negative were,

Messrs. Beane, Beeson, Behm, Brady, Bulla, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Douthit, Eccles, Foster, Gookins, Goudy, Graham, Gunn, Hanna, Henry, Hicks, Howell, Hudson, Huey, Huffstetter, Humphreys, Hunt, King, Laverty, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Mayfield, McAllister, McConnell, Miller, Mudgett, Owen, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Spencer, Stanfield, Staton, Suit, Sumner, Sweet, Walker, Watson, Wells, Williams, Wilson, and Withers—65.

So the amendment was not adopted.

Mr. Holman moved to amend the bill by striking out all of the 18th section before the words "State Library."

Mr. Williams moved to amend the amendment as follows:

Strike out four and insert two hundred wherever it occurs.

Which was not agreed to.

And the question being put on the adoption of Mr. Holman's amendment,

The ayes and noes were demanded by Messrs. Holman and Withers.

Those who voted in the affirmative were,

Messrs. Beane, Beeson, Carpenter, Cowgill, Crawford, Cromwell, Davis of Franklin, Davis of Sullivan, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Goudy, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Henry, Holman, Huey, Leviston, Lindsey of Fayette, Litchfield, Major, McDowell, Miller, Ray, Reynolds, Smith of Marion, Smith of Spencer, Staton, Suit, Thompson, Watson, Williams and Withers—39.

Those who voted in the negative were,

Messrs. Beach, Behm, Brady, Bryant, Bulla, Buskirk, Chowning, Cockrum, Crim, Dice, Gookins, Helmer, Holladay, Howell, Hudson, Huffstetter, Humphreys, Hunt, Kent, King, Laverty, Lawrence, Lewis, Linsday of Howard, Manson, Marrs, Mayfield, McAllister, McConnell, Mudgett, Nelson, Owen, Sale, Schoonover, Scudder, Shanklin, Stanfield, Stevens, Stover, Stuart, Sumner, Sweet, Walker, Wells, Wilson, and Mr. Speaker—46.

So the amendment was not adopted.

The question being on ordering the bill to be engrossed;

Pending which,

On motion by Mr. Beach,

The House adjourned.

SATURDAY MORNING, 8 o'clock, }
 May 1, 1852. }

The House met.

The clerk proceeded to read the journal of yesterday;
 When,

On motion by Mr. McDowell,
 The further reading of the journal was dispensed with.

PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Douthit:

A memorial from sundry citizens of Hamilton county, on the subject of the liquor traffic;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Doughty:

A petition from sundry citizens of Jackson township, Wayne county, praying the Legislature to grant them the privilege of holding their elections in East Germantown;

Which,

On motion,

Was referred to the committee on Elections.

By Mr. Miller:

A petition from sundry citizens of Fulton county, in relation to reduction of tolls on the Wabash and Erie Canal;

Which,

On motion,

Was referred to the committee on Canals and Internal Improvements.

By Mr. Stuart:

Two memorials from sundry citizens of Cass county, on the subject of the reduction of tolls on the Wabash and Erie Canal;

Which,

On motion,

Were referred to select committee on that subject.

REPORTS FROM COMMITTEES.

Mr. Owen, from the select joint committee on Revision, made the following report:

MR. SPEAKER:

The select joint committee on Revision, to whom was referred the subject, have instructed me to report

No. 253, a bill concerning saline lands;

And to recommend its passage.

The bill was read a first time and passed to a second reading.

Mr. Owen from the select joint committee on Revision made the following report:

MR. SPEAKER:

The select joint committee on Revision to whom was referred the subject, have instructed me to report

No. 254, a bill fixing the per diem and mileage of the members of the General Assembly;

And to recommend its passage.

The bill was read a first time and passed to a second reading.

Mr. Stover, from the joint select committee on Revision, made the following report:

MR. SPEAKER:

The joint select committee on Revision, to whom was referred House bill No. 14, a bill for the subscription to and preservation of the public newspapers printed in the several counties of this State, have directed me to report the same back and recommend that it be laid on the table.

The question being put on concurring in the report,

It was decided in the negative.

On motion by Mr. King,

The bill contained in the foregoing report was referred to a select committee of three.

Messrs. King, Behm, and Owen were appointed said committee.

Mr. Stover, from the joint select committee on Revision, made the following report:

MR. SPEAKER:

The joint select committee on Revision to whom was referred the subject, have instructed me to report No. 255, a bill prescribing the duties of Treasurer of State; and to recommend its passage.

The bill was read a first time and passed to a second reading.

ORDERS OF THE DAY.

At the last adjournment, the question pending was, the engrossment of the following bill:

No. 228. A bill regulating the election and duties of State Librarian.

Mr. Graham submitted the following amendment:

Sec. 24; strike out \$500 and insert \$400; strike out \$200 for keeping the State House.

Mr. McConnell moved to lay the amendment on the table;

And the question being put;

The ayes and noes were demanded by Messrs. Holman and Graham.

Those who voted in the affirmative were,

Messrs. Beane, Beeson, Brady, Bryant, Buskirk, Carpenter, Chowning, Cockrum, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Douthit, Foster, Gibson, Gookins, Hanna, Hays of White, Henry, Howell, Huey, Huffstetter, Humphreys, Hunt, Kent, Lavery, Leviston, Lindsey of Fayette, Litchfield, Major, Manson, Marrs, McAllister, McConnell, McDowell, Miller, Mudget, Nelson, Owen, Porter, Schoonover, Scudder, Smith of Marion, Staton, Stover, Stuart, Sweet, Wells, and Mr. Speaker—50.

Those who voted in the negative were,

Messrs. Behm, Bulla, Cowgill, Crim, Cromwell, Donham, Doughty, Graham, Gunn, Hart, Hay of Clark, Helmer, Holladay, Holman, King, Lawrence, Lewis, Lindsay of Howard, Mayfield, Ray, Reynolds, Sale, Shanklin, Smith of Spencer, Stanfield, Stevens, Suit, Sumner, Thompson, Torbet, Walker, Watson, Williams, Wilson, and Withers—35.

So the amendment was laid on the table.

On motion by Mr. Buskirk,

The bill was amended by striking out section 24.

On motion by Mr. Holman,

The bill was laid on the table.

A message from the Senate by Mr. Dunn, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bills thereof:

No. 126. Entitled a bill to authorize the formation of voluntary associations.

No. 127. Entitled a bill for the establishment and regulation of county libraries.

No. 128. Entitled a bill providing for the election and prescribing certain duties of the clerk of the supreme court.

No. 129. Entitled a bill providing for the election and prescribing certain duties of county surveyors.

No. 130. Entitled a bill providing for the appointment and prescribing the duties and liabilities of deputies of certain officers.

No. 131. Entitled a bill touching townships, and the boundaries thereof.

No. 132. Entitled a bill prescribing the manner of compelling officers to give new bonds and additional sureties.

No. 133. Entitled an act to enable trustees to receive lands and donations, and convey the same, for the use of schools, churches, religious societies, Masonic and Odd Fellows' Lodges, Sons and Daughters of Temperance, and for the construction of cemeteries, houses of worship, and other buildings therein mentioned.

No. 134, entitled "A bill to provide for the appointment of a sheriff of the supreme court, and prescribing certain of his duties and fees."

No. 135, entitled "A bill to regulate the toll of grist mills, and prescribing certain duties of millers."

No. 136, entitled "A bill transferring the duties of county agent to county auditor."

No. 137, entitled "A bill to provide for the appointment and compensation of an attorney for the State in the supreme court."

No. 138, entitled "A bill providing for the election of clerks of circuit courts, and prescribing some of their duties."

No. 139, entitled "A bill to provide for the election of county sheriffs, and prescribing some of their duties."

No. 140, entitled "A bill providing for the election, prescribing the duties, and fixing the compensation of State agent."

In which the concurrence of the House is respectfully requested.

Bills Nos. 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, contained in the foregoing message, were severally read a first time, and passed to a second reading.

HOUSE BILLS ON SECOND READING.

No. 229. A bill concerning the general fund, and the expenditures chargeable thereon;

Was read a second time, and ordered to be engrossed.

No. 231. A bill authorizing the recovery, by a wife, of property lost by gambling;

Was read a second time, and ordered to be engrossed.

No. 232. A bill to repeal an act entitled an act extending the benefit of the valuation laws to judgment debtors of the surplus revenue, and giving additional time to such persons for the payment of the same, approved January 13, 1844;

Was read a second time.

On motion by Mr. Major,

The bill was referred to the committee on Education.

No. 233. A bill providing for and regulating the relation of master and apprentice;

Was read a second time.

Mr. Smith of Marion offered the following amendment:

The master shall not compel any apprentice to work more than ten hours a day, unless he pay him an additional compensation for the same.

Which was agreed to.

The bill was then ordered to be engrossed.

No. 234. A bill repealing all former acts of the Legislature except those therein named;

Was read a second time.

Mr. Gookins submitted the following amendment, viz:

Section 1, 2d division, after "vacating," insert towns.

Insert acts authorizing minors to convey real estate.

An act entitled an act establishing a State Bank, approved January 24, 1834, and all laws now in force amending, modifying, or supplementary thereto.

All laws now in force relating to, or in any way affecting the Wabash and Erie canal, or the construction thereof, or granting any privileges, rights, relief, or immunities to any persons relating to said canal, or relating to canal lands or canal loans or funds, or to the purchasers of canal lands, or to settlers thereon, or to the assessment of damages for lands or materials taken for the construction thereof, or the enforcement of police regulations thereon, and all provisions affecting the trust vested in the board of trustees of said canal, at the time the same passed into their hands.

All laws relating to the Michigan road, or Michigan road lands.

All laws relating to the issue and redemption of treasury notes.

All laws now in force relating to the construction or preservation of any or all canals, rail roads, McAdamized roads or turnpike roads, or to the assessment and payment of damages for lands, or materials taken for the construction thereof.

On motion by Mr. Gibson,

The bill and amendment were laid on the table, and ordered to be printed.

SENATE BILLS ON SECOND READING.

No. 116. A bill establishing general provisions respecting corporations;

Was read a second time.

On motion by Mr. Holman,

The bill was laid on the table, and ordered to be printed.

No. 117. A bill for the incorporation of manufacturing and mining companies, and companies for mechanical, chemical and building purposes;

Was read a second time and ordered to a third reading.

No. 124. A bill to provide for the election of State Printer, and for the public printing, binding and distribution of the laws, journals and public documents;

Was read a second time.

Mr. Stanfield moved to refer the bill to the committee on Printing.

Mr. Torbet moved to amend the motion by changing its reference to the joint select committee on Revision.

And the question being put,

It was decided in the negative.

The bill was then referred to the committee on Printing.

No. 118. A bill defining misdemeanors, and prescribing punishment therefor;

Was read a second time.

Mr. Smith of Marion submitted the following amendment:

SEC. —. If any executive, judicial or ministerial officer, or member of the General Assembly, or officer thereof, shall become intoxicated while holding such office, he shall be liable to impeachment, and may be punished by removal.

Mr. Kent moved to lay the amendment on the table.

And the question being put,

The ayes and noes were demanded by Messrs. Kent and Smith of Marion.

Those who voted in the affirmative were,

Messrs. Beeson, Davis of Sullivan, Donaldson, Donham, Graham, Hart, Howell, Huey, Huffstetter, Humphreys, Kent, Linsday of Howard, Marrs, McAllister, McConnell, McDowell, Owen, Ray, Stanfield, Staton, Suit, and Mr. Speaker—22.

Those who voted in the negative were,

Messrs. Beane, Behm, Brady, Bryant, Bulla, Carpenter, Chowning, Cockrum, Cowgill, Crim, Cromwell, Davis of Franklin, Dice, Dobson, Doughty, Douthit, Foster, Gookins, Hanna, Hay of Clark, Helmer, Henry, Holladay, Holman, Hunt, Laverty, Lawrence, Leviston, Lindsey of Fayette, Litchfield, Major, Manson, Mayfield, Miller, Mudget, Nelson, Porter, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stevens, Stover, Sumner, Sweet, Thompson, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—56.

So the amendment was not laid on the table.

Mr. Buskirk submitted the following amendment to the amendment, viz:

Strike out the words "intoxicated while holding such office," and insert the words "habitual drunkard after his election."

On motion by Mr. Foster,

The amendment and the amendment to the amendment were laid on the table.

The bill was then referred to the Judiciary committee.

On motion by Mr. Torbet,

No. 228. A bill regulating the duties and election of the State Librarian;

Was taken from the table.

Mr. Torbet submitted the following amendment:

Amend by adding to section 18:

"And he shall also cause to be bound in half binding, all newspapers published in this State, that have been or may be regularly forwarded to the State Library.

Which was adopted.

Mr. Lewis offered the following amendment:

Sec. —. It shall be the duty of the Librarian in his annual report, to report the names of those who have obtained books from the Library, during the current year, and have not returned them, and also the titles of the works not returned.

Which was agreed to.

The bill was then ordered to be engrossed.

By unanimous consent of the House,
Mr. Miller obtained leave and offered the following resolution:

Resolved, That the select committee on Tolls on the Wabash and Erie canal be instructed to inquire into the salaries allowed to the Trustees of the Wabash and Erie canal, and the number and salaries of all persons under their employ, and report the result of such inquiry to this House.

Which was agreed to.

No. 119. A bill defining felonies and prescribing punishment therefor.

Mr. Huffstetter moved to suspend the rule and read the bill a second time by its title.

Those who voted in the affirmative were,

Messrs. Beane, Brady, Bryant, Buskirk, Chowning, Crim, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Foster, Gookins, Hart, Henry, Holman, Howell, Huey, Huffstetter, Humphreys, Hunt, Kent, Lavery, Lawrence, Lewis, Lindsay of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, Mudget, Nelson, Owen, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Stover, Stuart, Suit, Sumner, Sweet, Torbet, Watson, Wells, Williams, Wilson and Mr. Speaker—54.

Those who voted in the negative were,

Messrs. Beeson, Behm, Bulla, Carpenter, Cockrum, Cowgill, Cromwell, Davis of Franklin, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Holladay, King, Leviston, Lindsey of Fayette, McConnell, McDowell, Miller, Porter, Sale, Smith of Spencer, Staton, Thompson, Walker and Withers—28.

So the rule was not suspended.

On motion by Mr. McConnell,

The vote just taken was reconsidered.

And the question being put on suspending the rule and reading the bill a second time by its title.

Those who voted in the affirmative were,

Messrs. Beane, Brady, Bryant, Buskirk, Chowning, Crim, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Douthit, Foster, Gookins, Hart, Helmer, Henry, Holman, Howell, Huey, Huffstetter, Humphreys, Kent, Hunt, Lavery, Lawrence, Lewis, Lindsay of

Howard, Litchfield, Major, Marrs, McConnell, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Stover, Stuart, Suit, Sweet, Thompson, Torbet, Watson, Wells, Williams, Wilson and Mr. Speaker—53.

Those who voted in the negative were,

Messrs. Beeson, Behm, Bulla, Carpenter, Cockrum, Cowgill, Cromwell, Davis of Franklin, Doughty, Graham, Gunn, Hay of Clark, Holladay, King, Leviston, Lindsey of Fayette, Manson, Mayfield, McAllister, Sale, Smith of Spencer, Staton, Stevens, Sumner and Walker—25.

So the rule was suspended and the bill read a second time by its title.

Mr. Davis of Sullivan submitted the following amendment to the bill :

Strike out the death penalty wherever it occurs, and insert in the proper place, that capital punishment, be and it is hereby abolished, and imprisonment for life in the penitentiary be substituted therefor.

On motion by Mr. Hay of Clark,

A call of the House was ordered.

The clerk proceeded to the call when the following members answered to their names, viz :

Messrs. Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Foster, Gookins, Graham, Gunn, Hart, Hay of Clark, Helmer, Henry, Holladay, Holman, Howell, Huey, Huffstetter, Humphreys, Hunt, Kent, King, Laverty, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McConnell, McDowell, Miller, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Spencer, Smith of Marion, Stanfield, Staton, Stevens, Stover, Stuart, Suit, Sumner, Sweet, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers and Mr. Speaker—82.

Mr. McDowell moved to suspend the further call of the House. Which was not agreed to.

On motion by Mr. Mudget,

Leave of absence was granted Mr. Beach until Monday morning.

On motion by Mr. Huey,

Leave of absence was granted Mr. Crawford on the account of sickness.

On motion by Mr. Cowgill,

Mr. Eccles was excused.

Mr. King moved to excuse all the absentees.

Which was disagreed to.

On motion by Mr. Stanfield,

Mr. Geddes was excused on account of sickness.

On motion by Mr. Holladay,

Mr. Goudy was excused.

On motion by Mr. Lindsay of Howard,

Mr. Hicks was excused.

On motion by Mr. Gookins,

Mr. Hudson was excused.

On motion by Mr. Stover,

Mr. McDonald was excused.

Mr. Davis of Franklin moved to excuse Mr. Gibson,

Which was disagreed to.

Mr. Withers moved to excuse Mr. Hays of White,

Which was disagreed to.

On motion by Mr. Cockrum,

The absentees not excused were sent for, viz. Messrs. Gibson and Hays of White.

Mr. Stover moved to suspend the further call,

Which was not agreed to.

After spending some time in the call;

On motion by Mr. Stover,

The further call of the House was suspended.

The question being on the adoption of the amendment offered by Mr. Davis of Sullivan,

Mr. Brady moved the House adjourn.

Which was disagreed to.

Mr. King moved to lay the amendment on the table.

And the question being put;

The ayes and noes were demanded by Messrs. King and Kent.

Those who voted in the affirmative were,

Messrs. Brady, Buskirk, Cockrum, Davis of Franklin, Dobson, Foster, Gookins, Gunn, Hay of Clark, Helmer, Humphreys, Hunt, Kent, King, Laverty, Lawrence, Lewis, Lindsey of Fayette, Manson, Mayfield, McAllister, McConnell, Miller, Mudgett, Nelson, Ray, Schoonover, Smith of Marion, Stanfield, Stover, Stuart, Watson, and Wells—34.

Those who voted in the negative were,

Messrs. Beane, Beeson, Behm, Bryant, Bulla, Carpenter, Chowning, Cowgill, Crim, Cromwell, Davis of Sullivan, Dice, Donaldson,

Donham, Doughty, Douthit, Graham, Hart, Henry, Holladay, Holman, Howell, Huey, Huffstetter, Leviston, Lindsay of Howard, Litchfield, Major, Marrs, McDowell, Owen, Porter, Reynolds, Shanklin, Smith of Spencer, Staton, Stevens, Suit, Sumner, Sweet, Thompson, Torbet, Walker, Williams, Wilson, Withers, and Mr. Speaker—49.

So the amendment was not laid on the table.

On motion by Mr. Lindsay of Howard,
The House adjourned.

2 o'clock, P. M.

The House met.

The question pending at the last adjournment was on the adoption of Mr. Davis of Sullivan's amendment to Senate bill No. 119.

On motion by Mr. Buskirk,
A call of the House was ordered.

The Clerk proceeded to the call, when the following members answered to their names, viz:

Messrs. Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Foster, Gibson, Goudy, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Holladay, Holman, Howell, Huffstetter, Humphreys, Hunt, Kent, King, Laverty, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McDowell, Miller, Mudgett, Nelson, Owen, Porter, Ray, Reynolds, Sale, Schoonover, Smith of Marion, Smith of Spencer, Stevens, Stanfield, Stover, Stuart, Suit, Sumner, Sweet, Thompson, Torbet, Walker, Wells, Williams, Wilson, Withers and Mr. Speaker—78.

On motion by Mr. Marrs,
Mr. Staton was excused.
Mr. Sale moved to excuse Mr. Gookins;
Which was not agreed to.

On motion by Mr. Wilson,
Mr. Huey was excused.
Mr. Smith of Marion moved to excuse Mr. Shanklin;
Which was disagreed to.

On motion by Mr. Lindsay of Howard,

The vote just taken was reconsidered.

The question then being put on excusing Mr. Shanklin,

It was decided in the affirmative.

Mr. Smith of Spencer moved to excuse all the absentees;

Pending which,

On motion by Mr. Buskirk,

A further call of the House was suspended.

Mr. Helmer moved to lay the bill and amendment on the table;

Which motion did not prevail.

The question then being put on the adoption of the amendment of Mr. Davis of Sullivan,

The ayes and noes were demanded by Messrs. Davis of Sullivan and Douthit.

Those who voted in the affirmative were,

Messrs. Beane, Behm, Bryant, Bulla, Chowning, Cowgill, Davis of Franklin, Davis of Sullivan, Dice, Donaldson, Donham, Doughty, Douthit, Hanna, Hart, Hays of White, Henry, Holladay, Leviston, Lewis, Litchfield, McDowell, Owen, Porter, Ray, Sale, Stevens, Sumner, Sweet, Thompson, Torbet, Williams, Wilson and Withers—34.

Those who voted in the negative were,

Messrs. Beeson, Brady, Buskirk, Carpenter, Cockrum, Crim, Cromwell, Dobson, Foster, Gibson, Gunn, Hay of Clark, Helmer, Holman, Howell, Huffstetter, Humphreys, Hunt, Kent, King, Laverty, Lawrence, Lindsey of Fayette, Lindsay of Howard, Major, Manson, Marrs, Mayfield, McAllister, McConnell, Miller, Mudget, Nelson, Reynolds, Schoonover, Smith of Marion, Smith of Spencer, Stanfield, Stover, Stuart, Suit, Walker, Wells and Mr. Speaker—44.

So the amendment was not adopted.

Mr. Dougherty submitted the following amendment to the bill:

Amend by inserting in the proper place "any person convicted of murder in the first degree and sentenced to be hung, said sentence shall not be executed for one year from conviction."

Mr. Gibson moved to lay the amendment on the table;

And the question being put,

The ayes and noes were demanded by Messrs. Withers and Gibson.

Those who voted in the affirmative were,

Messrs. Beane, Beeson, Brady, Buskirk, Carpenter, Chowning, Cockrum, Crim, Cromwell, Dobson, Donham, Gibson, Gookins, Gou-

dy, Gunn, Hanna, Hay of Clark, Howell, Huffstetter, Humphreys, Kent, King, Lawrence, Lavery, Leviston, Lewis, Lindsey of Fayette, Linsday of Howard, Litchfield, Manson, Marrs, Mayfield, McAllister, McConnell, Miller, Mudget, Nelson, Ray, Reynolds, Schoonover, Smith of Spencer, Stanfield, Stover, Stuart, Wells and Wilson—46.

Those who voted in the negative were,

Messrs. Behm, Bryant, Bulla, Cowgill, Davis of Franklin, Davis of Sullivan, Dice, Donaldson, Doughty, Douthit, Foster, Hart, Hays of White, Helmer, Henry, Holladay, Holman, Hunt, Major, McDowell, Owen, Porter, Sale, Smith of Marion, Stevens, Suit, Sumner, Sweet, Thompson, Torbet, Walker, Williams, Withers and Mr. Speaker—34.

So the amendment was laid on the table.

Mr. Suit submitted the following amendment to the 26th Sec. of the bill:

By adding on the proper place "stacks or shocks of grain or hay."
Which was agreed to.

Mr. King moved to lay the bill on the table and print.

And the question being put,

The ayes and noes were demanded by Messrs. Sale and Doughty.

Those who voted in the affirmative were,

Messrs. Beeson, Behm, Bryant, Bulla, Carpenter, Cowgill, Crim, Cromwell, Davis of Franklin, Donaldson, Donham, Doughty, Gookins, Gunn, Hart, Helmer, Holman, Kent, King, Linsday of Howard, Mayfield, McAllister, Miller, Owen, Porter, Sale, Sumner, Thompson, Torbet, and Walker—30.

Those who voted in the negative were,

Messrs. Beane, Brady, Buskirk, Chowning, Cockrum, Davis of Sullivan, Dice, Dobson, Douthit, Foster Gibson, Goudy, Hanna, Hay of Clark, Hays of White, Henry, Holladay, Howell, Huffstetter, Humphreys, Hunt, Lavery, Lawrence, Leviston, Lewis, Lindsey of Fayette, Litchfield, Major, Manson, Marrs, McConnell, McDowell, Mudget, Nelson, Ray, Reynolds, Schoonover, Smith of Marion, Smith of Spencer, Stanfield, Stevens, Stover, Stuart, Suit, Sweet, Wells, Williams, Wilson, Withers, and Mr. Speaker—50.

So the motion did not prevail.

Mr. Williams submitted the following amendment:

Add "or any fence," after the word "hay."

Which was agreed to.

Mr. Smith of Spencer offered the following amendment:

SEC. —. Any person who shall be guilty of seducing any unmarried female, under a promise of marriage, shall be deemed guilty of a felony, and shall be punished, in the discretion of a jury, either by death or imprisonment for life, in the State penitentiary.

The question being put on its adoption;

The ayes and noes were demanded by Messrs. Smith of Spencer and McDowell.

Those who voted in the affirmative were,

Messrs. Beane, Beeson, Behm, Bryant, Bulla, Carpenter, Chowning, Cowgill, Davis of Franklin, Douthit, Gibson, Gunn, Hanna, Hay of Clark, Helmer, Holladay, Holman, Kent, Lawrence, Lewis, Litchfield, Major, Marrs, Mayfield, McDowell, Nelson, Porter, Reynolds, Schoonover, Smith of Marion, Smith of Spencer, Stevens, Williams, and Mr. Speaker—34.

Those who voted in the negative were,

Messrs. Brady, Buskirk, Cockrum, Crim, Cromwell, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Doughty, Foster, Gookins, Goudy, Hart, Hays of White, Henry, Howell, Huffstetter, Humphreys, Hunt, King, Laverty, Leviston, Lindsey of Fayette, Linsday of Howard, Manson, McAllister, McConnell, Mudgett, Owen, Ray, Sale, Stanfield, Stover, Stuart, Suit, Sumner, Sweet, Torbet, Walker, Wells, Wilson, and Withers—44.

So the amendment was not agreed to.

Mr. Lewis moved to amend the bill by adding in the proper place in section 26, "growing grain."

Which motion prevailed.

Mr. Reynolds submitted the following amendment to the bill:

Any person convicted of treason or murder, and sentenced to be hung, shall be privately executed.

Which was agreed to.

On motion by Mr. Stuart,

The bill was referred to the Judiciary committee.

No. 120. A bill prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate, and contest thereof.

Mr. Torbet moved to suspend the rule and read the bill a second time by its title.

Those who voted in the affirmative were,

Messrs. Buskirk, Cowgill, Davis of Sullivan, Donaldson, Doughty, Douthit, Gibson, Gookins, Hart, Henry, Holman, Huffstetter, Humphreys, Hunt, Kent, Lavery, Lawrence, Leviston, Litchfield, Manson, Marrs, Nelson, Owen, Ray, Schoonover, Smith of Marion, Stevens, Stover, Stuart, Suit, Sweet, Torbet, Walker, Williams, and Mr. Speaker—35.

Those who voted in the negative were,

Messrs. Beane, Beeson, Behm, Brady, Bryant, Bulla, Carpenter, Chowning, Cockrum, Crim, Cromwell, Davis of Franklin, Dice, Dobson, Donham, Foster, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Holladay, Howell, King, Lewis, Lindsey of Fayette, Major, Mayfield, McAllister, McConnell, Miller, Mudget, Porter, Reynolds, Sale, Sumner, Thompson, Wells, Wilson, and Withers—41.

So the motion did not prevail.

The Clerk continued to read the bill; when

Mr. Torbet moved the House adjourn.

And the question being put,

The ayes and noes were demanded by ten members.

Those who voted in the affirmative were,

Messrs. Brady, Bryant, Buskirk, Chowning, Davis of Franklin, Helmer, Manson, Marrs, McDowell, Sale, Smith of Spencer, Stevens, Suit, Torbet, and Walker—15.

Those who voted in the negative were,

Messrs. Beane, Beeson, Behm, Bulla, Carpenter, Cockrum, Cowgill, Crim, Dice, Dobson, Donaldson, Donham, Doughty, Gookins, Gunn, Hay of Clark, Hays of White, Holladay, Huffstetter, Humphreys, Hunt, Kent, King, Lavery, Lawrence, Leviston, Lewis, Lindsay of Howard, Litchfield, Major, Mayfield, McAllister, McConnell, Miller, Mudget, Nelson, Porter, Ray, Reynolds, Schoonover, Smith of Marion, Stover, Stuart, Sumner, Sweet, Thompson, Wells, Williams, Wilson, Withers, and Mr. Speaker—50.

So the motion did not prevail.

On motion by Mr. Stover,

A call of the House was ordered :

The Clerk proceeded to the call, when the following members answered to their names, viz:

Messrs. Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Car-

penter, Chowning, Cockrum, Cowgill, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Foster, Gibson, Gookins, Goudy, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Holladay, Howell, Huffstetter, Humphreys, Hunt, Kent, King, Lavery, Lawrence, Leviston, Lewis, Lindsay of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McConnell, McDowell, Miller, Nelson, Porter, Ray, Reynolds, Sale, Schoonover, Smith of Marion, Smith of Spencer, Stanfield, Stevens, Stover, Stuart, Suit, Sumner, Sweet, Thompson, Torbet, Walker, Wells, Williams, Wilson, Withers, and Mr. Speaker.

Mr. Suit moved to suspend a further call of the House;
Which was disagreed to.
The Clerk proceeded with the call;
When,

On motion by Mr. Foster,
A further call of the House was suspended.
Mr. Hanna moved the House adjourn.
And the question being put,
The ayes and noes were demanded by ten members.

Those who voted in the affirmative were,

Messrs. Behm, Brady, Carpenter, Chowning, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Douthit, Gibson, Gookins, Hanna, Hart, Howell, Huffstetter, King, Lavery, Leviston, Lindsey of Fayette, Manson, Marrs, Mayfield, McAllister, McDowell, Miller, Ray, Sale, Smith of Spencer, Stevens, Suit, and Torbet—31.

Those who voted in the negative were,

Messrs. Beane, Beeson, Bryant, Bulla, Buskirk, Cockrum, Crim, Dobson, Donaldson, Donham, Doughty, Foster, Goudy, Gunn, Hay of Clark, Hays of White, Helmer, Holladay, Humphreys, Hunt, Kent, Lawrence, Lewis, Lindsay of Howard, Litchfield, Major, McConnell, Nelson, Porter, Reynolds, Schoonover, Smith of Marion, Stover, Stuart, Sumner, Sweet, Thompson, Walker, Wells, Williams, Wilson, Withers, and Mr. Speaker—43.

So the House refused to adjourn.
The Clerk proceeded to a further reading of the bill.
Mr. Behm moved the House adjourn;
Which was disagreed to.
The bill having been read a second time,
Mr. Gookins moved to lay the bill on the table and print.
Which was disagreed to.

On motion by Mr. Suit,
The bill was laid on the table.

Mr. Hay of Clark gave notice of his intention to introduce a resolution that the House will consider all bills on their second reading as if in the Committee of the Whole, and read, amend or adopt the same by sections.

HOUSE BILLS ON SECOND READING.

No. 235. A bill concerning the assignment of judgments and decrees;

Was read a second time and ordered to be engrossed.

Mr. Sumner moved the House adjourn;

Which was disagreed to.

On motion by Mr. Carpenter,
The House adjourned.

MONDAY MORNING, 8 o'clock, }
May 3d, 1852. }

The House met.

The clerk proceeded to read the journal.

Mr. Withers moved to dispense with the further reading of the journal;

Which motion did not prevail.

The clerk continued to read,

When,

On motion by Mr. Williams,

The further reading of the journal was dispensed with.

On motion by Mr. Owen,

Leave of absence was granted Mr. Gookins for six days.

PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Hanna :

A memorial from sundry citizens of Carroll county on the subject of temperance, and against the passage of any law similar to that of the State of Maine;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Miller:

Two petitions from sundry citizens of Fulton county, on the subject of the reduction of the tolls on the Wabash and Erie Canal ;

Which,

On motion,

Were referred to the select committee on that subject.

By Mr. Smith of Marion:

The remonstrance of sundry citizens of Franklin township, Marion county, against the passage of the Maine liquor law:

Which,

On motion,

Was referred to the committee on Temperance.

REPORTS FROM COMMITTEES.

Mr. Holman, chairman of the committee on the Judiciary, made the following report:

MR. SPEAKER :

The committee on the Judiciary, to whom was referred House bill No. 200, entitled an act prescribing the powers and duties of justices of the peace in State prosecutions, have had the same under consideration, and have directed me to report the same back with the following amendments, and when so amended recommend its passage.

1st. Amend by inserting the words "of the peace" just after the word "justice," in the title to the bill, and the first section thereof.

2d. Strike out the following words in section (5) five: "Setting out in such entry the ——— affidavit at length."

3d. Strike out section sixteen (16.)

4th. Strike out section twenty-six, (26) and insert the following in lieu thereof:

SEC. 26: Such justice shall file the recognizance, together with a transcript of his proceedings, and all the papers in the cause in the office of the clerk of the court of common pleas, on or before the first day of the next term thereof, unless otherwise directed by an instrument of writing signed and filed in his office, by the parties to such proceedings.

5th. Strike out the words "circuit court," and insert in lieu thereof the words following: "court of common pleas," in sections twenty-seven (27) and twenty-eight (28.)

6th. Strike out section thirty-two (32.)

7th. Amend the forms reported in said bill as follows: strike out

the words "John Doe and Richard Roe" wherever they occur, and insert in lieu thereof the following: "A. B. and C. D."

8th. Strike out the amounts just after the words "sum or value of," and leave the amount blank.

9th. Strike out the word "Clark," and leave it blank.

10th. Strike out the date wherever it occurs, and leave it blank.

11th. Strike out all the words descriptive of the offence, and insert the following in lieu thereof: [here state the offence,] in brackets.

The amendments were considered separately.

Mr. Gibson moved to concur in the 1st amendment reported by the committee;

And the question being put;

It was decided in the affirmative.

The question being put on concurring in the 2d amendment,

It was decided in the negative.

The question being put on concurring in the third amendment,

The ayes and noes were demanded by Messrs. Suit and Lindsay of Howard.

Those who voted in the affirmative were,

Messrs. Beane, Behm, Brady, Bryant, Bulla, Carpenter, Cowgill, Crim, Cromwell, Davis of Franklin, Dobson, Donaldson, Donham, Doughty, Douthit, Foster, Gookins, Graham, Gunn, Hanna, Hart, Hays of White, Helmer, Henry, Holladay, Holman, Howell, Huffstetter, Humphreys, Hunt, King, Laverty, Lawrence, Lewis, Lindsay of Howard, Litchfield, Major, Marrs, Mayfield, McAllister, McDowell, Ray, Reynolds, Scudder, Smith of Marion, Smith of Spencer, Stanfield, Stevens, Stuart, Suit, Sumner, Thompson, Torbet, Walker, and Wilson—55.

Those who voted in the negative were,

Messrs. Beeson, Chowning, Davis of Sullivan, Dice, Gibson, Hay of Clark, Leviston, Lindsey of Fayette, Manson, Miller, Nelson, Porter, Sale, Schoonover, Stover, Sweet, Wells, Williams, Withers, and Mr. Speaker—20.

So the amendment was concurred in.

The question being put on concurring in the fourth amendment;

It was decided in the negative.

The question then being put on concurring in the fifth amendment;

It was decided in the affirmative.

The question then being put on concurring in the sixth amendment;

It was decided in the affirmative.

On motion,

The question was put on concurring in the 7th and subsequent amendments reported by the committee jointly.

The ayes and noes were demanded by Messrs. Gibson and Holman.

Those who voted in the affirmative were,

Messrs. Beané, Beeson, Behm, Brady, Bryant Bulla, Chowning, Cowgill, Crim, Cromwell, Dobson, Donaldson, Donham, Doughty, Foster, Gookins, Graham, Hart, Hays of White, Helmer, Henry, Holladay, Holman, Howell, Huey, Humphreys, Hunt, King, Laver-ty, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Marrs, Mayfield, McAllister, McDowell, Miller, Reynolds, Sale, Shanklin, Smith of Marion, Smith of Spencer, Stanfield Stuart, Suit, Sumner, Sweet, Thompson, Torbet, Walker, Wilson, and Withers—54.

Those who voted in the negative were,

Messrs. Buskirk, Carpenter, Cockrum, Davis of Sullivan, Dice, Douthit, Gibson, Gunn, Hanna, Hay of Clark, Huffstetter, Litchfield, Manson, Nelson, Owen, Ray, Schoonover, Scudder, Stevens, Stover, Wells, Williams, and Mr. Speaker—23.

So the amendments were concurred in.

Mr. Smith of Marion submitted the following amendment:

Strike out the first section and insert:

That the jurisdiction of Justices of the peace in criminal cases shall be limited to the townships wherein they may have been elected; but Justices may send for and compel the attendance of witnesses from any part of their respective counties, whenever the testimony of such witnesses may be necessary to answer the ends of justice.

Which was disagreed to.

The bill was then ordered to be engrossed.

Mr. Miller, chairman of the committee on Canals and Internal Improvements, made the following report:

MR. SPEAKER:

The committee on Canals and Internal Improvements, to whom was referred House bill No. 207, providing for the surrender of the public works, have had the same under consideration and have directed me to report the same back with the following amendment, and after its adoption, recommend its passage.

SEC. —. Nothing in this act shall be so construed as to work a

surrender to any county or otherwise, of any future or contingent interest of the State in the White Water canal, or in the Wabash and Erie canal.

Which amendment was concurred in.

Mr. Dobson submitted the following amendment to the bill.

Add in the proper place, "and the extension of the Wabash and Erie canal to Evansville."

Which was agreed to.

Mr. Smith of Spencer moved to indefinitely postpone the bill.

And the question being put,

The ayes and noes were demanded by Messrs. Smith of Spencer and Behm.

Those who voted in the affirmative were,

Messrs. Beeson, Behm, Bulla, Cowgill, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Donham, Doughty, Douthit, Graham, Gunn, Hart, Hays of White, Holman, Huey, Humphreys, Hunt, Leviston, Lindsay of Howard, Major, McAllister, McConnell, McDowell, Mudget, Ray, Reynolds, Scudder, Smith of Spencer, Stanfield, Stevens, Thompson, Torbet, Walker, Watson, and Withers—37.

Those who voted in the negative were,

Messrs. Beane, Brady, Bryant, Buskirk, Carpenter, Chowning, Dice, Dobson, Donaldson, Foster, Gibson, Gookins, Hanna, Helmer, Henry, Holladay, Howell, Huffstetter, King, Lavery, Lawrence, Lindsey of Fayette, Litchfield, Manson, Marrs, Mayfield, Miller, Nelson, Owen, Porter, Sale, Schoonover, Shanklin, Smith of Marion, Stover, Suit, Sweet, Wells, Williams, and Mr. Speaker—40.

So the bill was not indefinitely postponed.

On motion by Mr. Owen,

The bill was laid on the table.

Mr. King, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred House bill No. 14—an act for the subscription to and preservation of the public newspapers printed in the several counties of this State—report the same back to the House with an amendment, and recommend its passage.

SEC. 1. The county commissioners of any county in this State may, at their option authorize and direct the subscription to and preservation of the public newspapers printed in their county.

The amendment was concurred in, and the bill ordered to be engrossed.

Mr. Stover, from the select joint committee on Revision, made the following report :

MR. SPEAKER:

The select joint committee on Revision, to whom was referred Senate bill No. 64, have had the same under consideration, and a majority have directed me to report the same back for the action of the House.

The bill was read a first time and passed to a second reading.

Mr. Stover, from the joint select committee on Revision, made the following report:

MR. SPEAKER:

The select joint committee on Revision, to whom was referred the subject, have instructed me to report

No. 256, a bill to provide for township elections ;

And to recommend its passage.

The bill was read a first time and passed to a second reading.

Mr. Nelson gave notice of his intention to move to change one of the standing rules of the House, by authorizing the Clerk to record the name of the person who moves an adjournment of the House, and the hour when made.

Mr. Buskirk, under the rule, gave notice of a motion for leave to introduce a bill defining and regulating the duties of Agent of State, &c.

RESOLUTIONS OF THE HOUSE.

Mr. Hay of Clark submitted the following resolution in pursuance of previous notice:

Resolved, That the House will consider all bills on their second reading, as if in committee of the whole, and that they be read and considered by sections.

Which was agreed to.

Mr. Miller offered the following resolution:

Resolved, That the committee on Fees and Salaries be instructed

to incorporate a provision in the bill to be by them presented, on fees and salaries, allowing mileage compensation to jurors.

On motion by Mr. Beeson,

The resolution was amended by adding "and witnesses."

And the question being put on the adoption of the resolution,

The ayes and noes were demanded by Messrs. Graham and McDowell.

Those who voted in the affirmative were,

Messrs. Beane, Beeson, Behm, Brady, Bulla, Chowning, Cockrum, Cowgill, Crim, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Douthit, Foster, Gookins, Graham, Hart, Hay of Clark, Hays of White, Henry, Howell, Huey, Humphreys, Lavery, Lawrence, Leviston, Lindsay of Howard, Litchfield, Major, Marrs, McAllister, McDowell, Miller, Nelson, Owen, Reynolds, Sale, Schoonover, Smith of Marion, Smith of Spencer, Stover, Sumner, Thompson, Walker, Wells, Williams, and Withers—48.

Those who voted in the negative were,

Messrs. Bryant, Buskirk, Carpenter, Cromwell, Donaldson, Donham, Doughty, Gibson, Gunn, Hanna, Helmer, Holladay, Holman, Huffstetter, King, Lewis, Lindsey of Fayette, Manson, Mayfield, McConnell, Mudget, Porter, Ray, Scudder, Shanklin, Stanfield, Stevens, Stuart, Suit, Sweet, Torbet, Wilson, and Mr. Speaker—33.

So the resolution was adopted.

ORDERS OF THE DAY.

On motion by Mr. Thompson,

Senate bill No. 95, a bill to repeal an act approved January 5, 1850, relative to the duties of Auditor and Treasurer in the counties of Delaware and Randolph;

Was taken up and considered.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beane, Beeson, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crim, Cromwell, Davis of Sullivan, Donaldson, Donham, Doughty, Douthit, Foster, Gookins, Graham, Gunn, Hart, Hays of White, Helmer, Henry, Holman, Holladay, Howell, Huey, Humphreys, Hunt, King, Lavery, Lawrence, Lewis,

Linsday of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, Miller, Nelson, Owen, Porter, Ray, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Stuart, Suit, Sumner, Sweet, Thompson, Torbet, Walker, Wells, and Withers—63.

Those who voted in the negative were,

Messrs. Davis of Franklin, Gibson, Hay of Clark, McDowell, Mudgett, Reynolds, Stover, Williams, Wilson, and Mr. Speaker—10.

So the bill passed.

On motion by Mr. Holman,
The vote just taken was reconsidered.

On motion by Mr. Holman,
The bill was laid on the table.

SENATE BILLS ON SECOND READING.

No. 123. A bill providing for the organization of circuit courts, the election of judges thereof, and defining their powers and duties; Was read a second time and considered as in committee of the whole.

Mr. Holman moved to amend the first section of the bill by striking out "10," and insert "9."

And the question being put,
It was decided in the affirmative.

Mr. Manson moved to reconsider the vote just taken;
Which was disagreed to.

Mr. Stuart moved to amend the bill by striking out section 4, and insert the following:

SEC. —. In case of the temporary inability of any judge from sickness or other cause, to hold the courts in his circuit, or any one of such courts, it shall be lawful for such judge to appoint, in writing, some suitable person learned in the law, to hold such court or courts in his stead; on which appointment shall be endorsed the usual judicial oath, and both the appointment and oath shall be spread at length on the order book of the court or courts in which such appointee is to preside. And upon filing such appointment with the clerk, and the oath of office endorsed as aforesaid, such appointee shall be clothed with all the powers and duties of a circuit judge for the period specified in such appointment, and shall proceed to hold such circuit court or courts accordingly; and for his services as such judge he shall be allowed the sum of five dollars per day, and twelve cents per mile for necessary travel in going to and returning from such court, payable out of the county treasury. *Provi-*

ded, That any circuit or supreme judge, or judge of any court of record may, at the instance of the judge of the proper circuit, for the same compensation, hold such courts without such appointment.

Mr. Buskirk moved to amend the amendment so as to pay the appointee out of the State instead of the county treasury.

Which was agreed to.

The question then recurred on the adoption of Mr. Stuart's amendment;

And being put,

The ayes and noes were demanded by Messrs. Gibson and Douthit.

Those who voted in the affirmative were,

Messrs. Bryant, Bulla, Buskirk, Cowgill, Cromwell, Dobson, Donaldson, Gookins, Hanna, Hart, Hays of White, Henry, Holladay, Holman, Howell, Hunt, Laverty, Litchfield, Mayfield, McAllister, Miller, Nelson, Owen, Reynolds, Sale, Shanklin, Smith of Marion, Stanfield, Stevens, and Stuart—30.

Those who voted in the negative were,

Messrs. Beane, Beeson, Behm, Brady, Carpenter, Chowning, Cockrum, Crim, Davis of Franklin, Davis of Sullivan, Dice, Donham, Douthit, Foster, Gibson, Graham, Gunn, Hay of Clark, Helmer, Huey, Huffstetter, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Major, Manson, Maris, McConnell, Mudgett, Porter, Ray, Schoonover, Scudder, Smith of Spencer, Stover, Suit, Sumner, Sweet, Thompson, Walker, Wells, Williams, Wilson, Withers and Mr. Speaker—47.

So the amendment was not adopted.

On motion by Mr. Gookins,

The 20th section of the bill was amended by giving the judge the power in vacation to appoint an elisor.

The bill was reported to the House with amendments.

Which were agreed to, and the amendments ordered to be engrossed and the bill ordered to a third reading.

By unanimous consent of the House,

Mr. Gookins obtained leave and offered the following resolution:

Resolved, That a committee of three be appointed to ascertain the funeral expenses of the Hon. Bradford Glazebrook, late Representative from the county of Putnam, and report the same to this House.

On motion by Mr. Williams,

The resolution was amended by adding after Putnam, the Hon.

Henry Hostetter, late Representative from the county of Vermillion.
The resolution as amended was then agreed to.

HOUSE BILLS ON SECOND READING.

No. 236. A bill containing several provisions, regarding landlords, tenants, lessors and lessees.

Was read a second time,

And considered as in committee of the whole, and reported to the House without amendment.

Ordered that the bill be engrossed.

No. 237. A bill declaring what documents shall be published along with the Revised Statutes.

Was read a second time,

And considered as in committee of the whole, and reported to the House without amendment.

Mr. Stuart moved to amend the bill by striking out the second section.

Mr. Helmer moved to amend the amendment so as to except the fugitive slave law.

Which was disagreed to.

The question then recurred on the adoption of the amendment.

And being put;

The ayes and noes were demanded by Messrs. Reynolds and Behm.

Those who voted in the affirmative were,

Messrs. Beane, Brady, Bulla, Chowning, Cowgill, Cromwell, Davis of Franklin, Donaldson, Donham, Douthit, Graham, Gunn, Hanna, Hart, Helmer, Henry, Howell, Huey, Lawrence, Leviston, Lindsay of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McConnell, Miller, Reynolds, Shanklin, Smith of Spencer, Stuart, Sumner and Thompson—34.

Those who voted in the negative were,

Messrs. Beeson, Behm, Bryant, Buskirk, Carpenter, Cockrum, Crim, Davis of Sullivan, Dice, Dobson, Foster, Gibson, Gookins, Hay of Clark, Hays of White, Holladay, Huffstetter, Humphreys, Hunt, Laverty, Lewis, Lindsey of Fayette, McAllister, McDowell, Mudgett, Nelson, Owen, Porter, Ray, Sale, Schoonover, Scudder, Smith of Marion, Stanfield, Stover, Suit, Sweet, Walker, Wells, Williams, Wilson, Withers, and Mr. Speaker—43.

So the amendment was not adopted.

Mr. Stuart moved to amend the second section by adding in the proper place all laws in relation to Indian treaties.

Which was disagreed to.

The bill was then ordered to be engrossed.

On motion by Mr. Davis of Franklin,

The House adjourned.

2 o'clock, P. M.

The House met.

ORDERS OF THE DAY RESUMED.

House bill,

No. 238. A bill concerning interest on money.

Was read a second time, and considered as in committee of the whole.

It was reported to the House without amendment.

Ordered that this bill be engrossed.

No. 239. A bill regarding salaries.

Was read a second time, and considered as in committee of the whole; it was reported to the House without amendment.

On motion by Mr. Owen,

The bill was referred to the committee on Fees and Salaries.

No. 240. A bill prescribing the duties of the Secretary of State.

Was read a second time,

And considered as in committee of the whole, and having been amended, it was reported to the House, with the following amendments:

1st. Strike out the words "journals and," before the word "documentary," in the 2d specification of Sec. 5.

2nd. Strike out the words "and journals" in the 3rd specification of Sec. 5.

3rd. Strike out Sec. 9.

Which were concurred in.

On motion by Mr. Buskirk,

The bill was laid on the table.

No. 241. A bill in relation to commissions, certificates and resignations of officers.

Was read a second time,

And considered as if in committee of the whole; it was reported to the House without amendment.

Ordered that this bill be engrossed.

No. 242. A bill to submit to the voters of the counties of Perry and Spencer, at the General election for the year 1852, a proposal to create a new county out of a portion of a territory of said counties under the provisions of the 15th specification of the schedule of the constitution and providing for the manner of voting on said proposition and the duties of the officers of election and of the clerks of the circuit courts and sheriffs of said counties respectively, and of the Secretary of State in relation thereto.

Was read a second time, and considered as in the Committee of the Whole;

It was reported to the House without amendment.

Ordered that this bill be engrossed.

On motion by Mr. Buskirk,

House bill No. 240. A bill prescribing the duties of Secretary of State,

Was taken from the table,

Mr. Buskirk moved to amend the 4th section of the bill by striking out "paying the legal fee therefor."

Which was agreed to.

The bill was then ordered to be engrossed.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bills thereof: No. 124, entitled "a bill to establish and regulate ferries."

No. 141, entitled "a bill to provide for the election and prescribing certain duties of Recorders."

No. 145, entitled "an act to provide for electing electors for President and Vice President of the United States."

Also, joint resolution No. 144, entitled "a joint resolution in relation to the Indiana Normal University for the education of females."

In which the concurrence of the House is respectfully requested.

Also, that the Senate has passed engrossed joint resolution of the House No. 27, entitled "a joint resolution relative to bounty lands," without amendment.

Bills Nos. 124, 141, 145 and joint resolution No. 144, contained in the foregoing message were severally read a first time, and passed to a second reading.

A message from the Senate by Mr. Dunn, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bills thereof:

No. 147, entitled "a bill prescribing the manner of empanneling petit jurors, the number and compensation thereof.

No. 148, entitled "a bill touching the laying out and vacation of towns, streets, alleys and public grounds and the making out and recording plats of such towns."

In which the concurrence of the House is respectfully requested.

Bills Nos. 147 and 148 contained in the foregoing message were each read a first time and passed to a second reading.

A message from the Senate by Mr. Dunn their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has passed the following engrossed bill thereof:

No. 152, entitled "a bill prescribing certain misdemeanors punishable only by a Justice of the Peace."

In which the concurrence of the House is respectfully requested.

Bill No. 152, contained in the foregoing message was read a first time and passed to a second reading.

HOUSE BILLS ON SECOND READING.

No. 243. A bill to regulate the retailing of intoxicating liquors.
Was read a second time,
And considered as in committee of the whole.

Mr. McDowell moved to amend the 4th Sec. by striking out the word "gallon" and insert "quart."

The ayes and noes being demanded by Messrs Williams and Graham.

Those who voted in the affirmative were,

Messrs. Beeson, Crim, Davis of Franklin, Gibson, Graham, Hart, Howell, Huey, Huffstetter, Major, Manson, Marrs, McAllister, McDowell, Ray, Reynolds, Schoonover, Smith of Marion, Stover, Wilson, Withers and Mr. Speaker—22.

Those who voted in the negative were,

Messrs. Beach, Beane, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Doughty, Foster, Gookins, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Hudson, Hunt, Lavery, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Mayfield, McConnell, Miller, Mudget, Nelson, Owen, Porter, Sale, Scudder, Shanklin, Smith of Spencer, Stevens, Struble, Stuart, Sumner, Sweet, Thompson, Torbet, Walker, Watson, Wells and Williams—59.

So the amendments was not adopted.

The bill was reported to the House with the following amendments:

Ist. Amend Sec. 16 by adding the following: and there shall be neither stay of execution nor valuation of property under any judgment rendered pursuant to any of the provisions of this act.

Strike out section 17 and insert:

Sec. 17. There shall be no consolidation of prosecutions under this act.

The question being put on concurring in the first amendment,

The ayes and noes being demanded by Messrs. Graham and Smith of Spencer.

Those who voted in the affirmative were,

Messrs. Beane, Bryant, Bulla, Carpenter, Cockrum, Cowgill, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Doughty, Douthit, Gibson, Gookins, Gunn, Hanna, Hay of Clark, Helmer, Henry, Hicks, Holladay, Lavery, Lawrence, Leviston, Lewis, Lindsay of Howard, Litchfield, Mayfield, McConnell, Mudget, Nelson, Porter, Shanklin, Stanfield, Stevens, Stover, Stuart, Sumner, Sweet, Thompson, Walker, Watson, and Williams—43.

Those who voted in the negative were,

Messrs. Beach, Beeson, Behm, Brady, Buskirk, Chowning, Crim, Cromwell, Dobson, Donham, Eccles, Foster, Goudy, Hart, Holman, Howell, Hudson, Huey, Huffstetter, Humphreys, Hunt, King, Lindsey of Fayette, Major, Manson, Marrs, McAllister, McDowell, Miller, Owen, Ray, Reynolds, Sale, Schoonover, Scudder, Smith of Marion, Smith of Spencer, Torbet, Wells, Wilson, Withers, and Mr. Speaker—42.

So the amendments was concurred in.

The question was then put on concurring in the second amendment,
And agreed to.

Mr. Graham moved to amend the 1st section of the bill by striking out \$3000 and insert \$500.

Mr. Beach moved to amend the amendment by striking out \$500 and insert \$1000.

Pending which,

On motion by Mr. Bulla,

The bill was referred to the committee on Temperance.

SENATE BILLS ON SECOND READING.

No. 121. A bill for the incorporation of high schools, academies, colleges, universities, theological institutions and missionary boards;

Was read a second time, and considered as in committee of the whole; it was reported to the House with one amendment:

Strike out the words "twenty dollars each," and insert the words "twenty, fifty or one hundred dollars each, as may be agreed upon between the persons forming such association and specified in the certificate required by the first section of this act."

Which was concurred in.

Mr. King moved to refer the bill to the joint committee on Education.

Mr. Humphreys moved to lay the bill on the table;

Which was disagreed to.

The question then recurred on referring the bill to the joint committee on Education;

And the question being put,

The ayes and noes were demanded by Messrs Stover and Gibson.

Those who voted in the affirmative were,

Messrs. Behm, Bryant, Carpenter, Cockrum, Cowgill, Cromwell, Davis of Franklin, Doughty, Douthit, Eccles, Graham, Gunn, Hart, Helmer, Hicks, Holladay, Holman, Howell, Hudson, Huey, Humphreys, Hunt, King, Lavery, Lindsey of Fayette, Lindsay of Howard, Major, Marrs, McAllister, Miller, Owen, Porter, Sale, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Sumner, Thompson, Torbet, Walker, and Watson—42.

Those who voted in the negative were,

Messrs. Beach, Beane, Beeson, Brady, Bulla, Buskirk, Chowning, Crim, Dice, Dobson, Donham, Foster, Gibson, Hanna, Hay of Clark, Hays of White, Henry, Huffstetter, Lawrence, Leviston, Lewis,

Litchfield, Manson, Mayfield, McConnell, McDowell, Mudget, Nelson, Ray, Reynolds, Schoonover, Stevens, Stover, Struble, Stuart, Sweet, Wells, Williams, Wilson, Withers, and Mr. Speaker—41.

So the bill was referred to the joint committee on Education.

No. 122. A bill to organize a supreme court and prescribing certain duties of the Judges thereof.

Was read a second time,

And considered as in committee of the whole, it was reported to the House without amendment.

The bill was ordered to a third reading.

No. 204. A bill concerning the partition of lands.

The question pending being on the adoption of the following amendment of Mr. King:

Strike out section 21 of the bill and insert the following:

SEC. 21. Whenever the purchase money for the land sold has been duly paid the commissioner may execute a conveyance thereof to such purchaser, or such purchaser may obtain an order of the court for the appointment of a commissioner to execute such conveyance, and such conveyance shall bar all claim of such owners to said lands as effectually as if they themselves had executed the same.

And the question being put on its adoption,

It was disagreed to.

Mr. Buskirk submitted the following amendment to the bill:

Amend section 6 as follows—

After the word “and” in the 3d line insert “at any stage of the proceedings.”

Amend section 9 as follows—

After the word “confession” in the 2d line insert “or by consent.”

After the word “heirs” in the 9th line, insert the words “of a person dying intestate.”

Strike out the 26th section and insert the following:

SEC. —. If one or more of several plaintiffs die, the proceedings shall be continued in the name of the survivors, if the interest in the lands survive or descend to them. If the interest of any such deceased plaintiff in such lands pass to other persons, they may be made defendants or plaintiffs, as the case may require, by rule of court served upon them in such manner as the court shall direct, and the case shall proceed as if they had been made plaintiffs or defendants originally.

SEC. —. If one or more defendants in partition die, and the interest of such deceased person shall survive or descend to the remaining defendants, the proceedings shall be continued against them. If such interest shall pass to other persons they may be made de-

pendants in like manner as is prescribed in the last preceding section, or by process as in the commencement of the proceedings.

The amendments were considered separately.

The question being put on the adoption of the first amendment, It was disagreed to.

The question then being put on the adoption of the 2nd amendment,

It was disagreed to.

On motion by Mr. Withers,

The vote taken on the rejection of the 2nd amendment,

Was reconsidered.

The question recurred on the adoption of the second amendment; and being put;

It was agreed to.

On motion,

The third amendment was agreed to.

The question being on the adoption of the 4th amendment,

Mr. Holman moved to lay the bill on the table.

Which was disagreed to.

Mr. Holladay moved to refer the bill to the Judiciary committee.

Which was disagreed to.

Mr. Gibson moved to lay the 4th amendment on the table.

And the question being put,

The ayes and noes were demanded by Messrs. Gibson and Humphreys.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Brady, Crim, Dice, Douthit, Eccles, Foster, Gibson, Hanna, Hay of Clark, Hays of White, Henry, Huffstetter, Humphreys, Lavery, Lawrence, Leviston, Lewis, Lindsay of Howard, Litchfield, Manson, Mayfield, McAllister, McConnell, McDowell, Miller, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Smith of Marion, Smith of Spencer, Stanfield, Stevens, Stover, Sweet, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—47.

Those who voted in the negative were,

Messrs. Behm, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Cromwell, Davis of Franklin, Dobson, Donham, Dougherty, Graham, Gunn, Hart, Helmer, Hicks, Hollady, Holman, Huey, Hunt, King, Lindsey of Fayette, Major, Marrs, Sale, Shanklin, Stuart, Sumner, Thompson, Torbet, and Walker—33.

So the 4th amendment was laid on the table.

The bill was ordered to be engrossed.

The Speaker laid before the House the following communication and report from the Quartermaster General:

QUARTERMASTER GENERAL'S OFFICE, }
INDIANAPOLIS, May 3, 1852. }

HON. WM. H. ENGLISH,

Speaker of the House of Representatives:

SIR:—Please lay before the House over which you preside, the following communication, in reply to a resolution of the House of Representatives.

SAMUEL BECK,
Quartermaster General.

QUARTERMASTER GENERAL'S OFFICE, }
INDIANAPOLIS, May 3, 1852. }

*To the Honorable Speaker and Members of the
House of Representatives:*

GENTLEMEN:—In accordance with a resolution adopted by you, I beg leave to make the following statement in regard to the public arms of the State.

There are at this time in the armory, in good order, mostly new, 99 boxes of the different kinds of arms and accoutrements.

There are also 60 boxes of arms and accoutrements that have been used and returned by companies, many of which need cleaning and repairing for their preservation.

There are at this time about 60 companies holding arms under bonds, many of which have disbanded and gone down, and the arms likely scattered, which should be returned to the armory. Some companies, as soon as they disband, return the arms, at the expense of the company, which we make obligatory on all that draw arms, by inserting in the bonds given by the companies.

We have had some little to pay on transportation, where companies have returned the arms by railroad.

The expenses for transportation and repairing arms the last two years have been very trifling.

We are paying one hundred dollars rent for an armory, which was the best we could do, and then not a suitable house—not as large as it should be, and not safe. The State needs a good, substantial house for an armory.

I would recommend to your consideration the necessity of an ap-

appropriation for the building of a good house for an armory, say one 25 by 50 feet, two stories high. I would say a frame building made strong and plain, that would cost about 1,000 dollars. A few years rent will pay for such a house; we will have to have a better house than the one we occupy at present; one with more room; a frame house is best on account of dryness, as the arms have to be kept in a dry house to prevent rust. I think it the policy of the State, as well as the duty, to build a good armory on some of the State grounds.

We did not draw our quota of arms for 1851, for want of room. We draw annually 400 muskets, or their equivalent in any kind of arms and accoutrements we wish, which is a fraction over five thousand dollars worth. We are drawing arms under the law of 1831. Should you pass a law reorganizing the militia, which I hope will be done, we will be entitled, I think, to draw about fifteen thousand dollars' worth, as I have no doubt that the militia has trebled since 1831, being twenty-one years since the enrollment of the militia of the State. We have now nearly thirty thousand dollars' worth of arms in the armory, of the different kinds. I would urge the necessity of an appropriation for an armory, as it is impossible to have the arms preserved as they should be, unless we have a good large house to keep them in. A few years' rent will pay for a house, as we will be compelled to get a better house, for which we will have to pay a higher rent.

There should be considerable repairing done this year. The arms returned the last two years should be cleaned and repaired to preserve them. To repair all would cost five or six hundred dollars. I think we might repair those that are most likely to injure this year, and let the others lie over till next year. To do this, I think, two hundred dollars would likely do, for which I think, you should make an appropriation.

I would also suggest that you pass a law requiring all companies drawing arms to pay all expenses of transportation from and to Indianapolis. I find that those companies that are willing to pay expenses generally stand best. Gov. Whitcomb adopted this rule, and we found it to do well, and save a great deal of money to the State.

All of which is respectfully submitted:

SAMUEL BECK,
Quartermaster General, Indiana Militia.

Which,

On motion by Mr. Smith of Marion,

Was referred to the committee on Military Affairs.

A message from the Senate by Mr. Dunn their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representa-

tives that the Senate has passed the following engrossed bills of the House, without amendment:

No. 193, entitled "An act concerning mortgages."

No. 205, entitled "An act to provide for contesting the election to any State, district, circuit, county or township office."

No. 206, entitled "An act for the protection of lands held by or mortgaged to the State, and concerning charges thereon."

Mr. Smith of Marion, chairman of the committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The committee on Enrolled Bills have compared the following enrolled with the engrossed bills of the House, and find them correctly enrolled:

No. 193, an act concerning mortgages.

No. 205, an act to provide for contesting the election of any State, district, circuit, county or township officers.

No. 206, an act for the protection of lands held by or mortgaged to the State, and concerning charges thereon.

Whereupon the Speaker signed the same.

Ordered that the Clerk inform the Senate thereof.

On motion by Mr. Manson,

The House adjourned.

TUESDAY MORNING, 8 o'clock, }
May 4th, 1852. }

The House met.

The Clerk proceeded to read the journal.

Mr. Graham moved to dispense with the reading thereof;
Which was disagreed to.

The clerk continued to read the Journal.

Mr. Hanna moved to dispense with the further reading thereof.
Which motion did not prevail.

PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Williams;

The memorial of 123 ladies of Pike county, praying the passage of a law similar to the Maine law;

Which was read.

Mr. Graham moved to lay the memorial on the table.

Which motion did not prevail.

On motion by Mr. Williams,

The memorial was referred to the committee on Temperance.

By Mr. Stuart:

Three petitions from sundry citizens of Cass county, on the subject of the reduction of tolls on the Wabash and Erie Canal;

Which,

On motion,

Were referred to select committee on that subject.

By Mr. Struble;

Several memorials from sundry ladies and gentlemen of Bartholomew county, praying the passage of a law similar to the Maine law;

Which,

On motion,

Were referred to the committee on Temperance.

By Mr. Sale;

A memorial from sundry ladies of Vermillion county, praying the passage of a law similar to the Maine law;

Which,

On motion,

Was referred to the committee on Temperance.

REPORTS FROM COMMITTEES.

Mr. Buskirk, chairman of the committee on Ways and Means, made the following report:

MR. SPEAKER:

The committee on Ways and Means to whom was referred House bill No. 173 with instructions to make sundry amendments thereto, have directed me to report that they have amended the bill as directed by the House, and recommend the adoption of said amendments.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Owen from the select joint committee on Revision made the following report :

MR. SPEAKER :

The select joint committee on Revision to whom was referred House bill No. 37, entitled "an act relating to the organization of the supreme court, its judges, their terms, jurisdictions, powers and duties, and matters incident thereto," have had the same under consideration, and have directed me to report it back and recommend it to be laid on the table, its provisions being incorporated in various acts revised by the committee, and they ask to be discharged from the further consideration thereof.

Which report was concurred in,
And the bill laid on the table.

Mr. Stover, from the joint select committee on Revision, made the following report :

MR. SPEAKER :

The select joint committee on Revision, to whom was referred the subject, have instructed me to report

No. 257. A bill in relation to county auditors ;

And to recommend its passage.

The bill was read a first time and passed to a second reading.

Mr. Stover, from the joint select committee on Revision, made the following report :

MR. SPEAKER :

The select joint committee on Revision to whom was referred the subject, have instructed me to report

No. 258. A bill in relation to county treasurers ;

And to recommend its passage.

The bill was read a first time and passed to a second reading.

Mr. Owen, from the select joint committee on Revision, made the following report :

MR. SPEAKER:

The joint committee on Revision, to whom was referred bill of the House No. 47, to provide for making out and printing a catalogue of the books in the State Library; also, bill of the House No. 87, to authorize the sale of the Governor's House, and personal property therein, report the same back, and recommend their passage; and they ask to be discharged from further consideration of these subjects.

House bill No. 47, contained in the foregoing report, having been lost on the question of its passage, Jan. 14th, 1852, the question was put on its passage under the rule.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Behm, Brady, Bryant, Bulla, Buskirk, Chowning, Cowgill, Crawford, Crim, Dice, Dobson, Hanna, Hay of Clark, Hays of White, Henry, Hicks, Holladay, Humphreys, Hunt, King, Lavery, Litchfield, Manson, McConnell, Mudget, Nelson, Owen, Porter, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stevens, Struble, and Wells—38.

Those who voted in the negative were,

Messrs. Beeson, Carpenter, Cockrum, Cromwell, Davis of Franklin, Donham, Douthit, Eccles, Foster, Graham, Gunn, Hart, Helmer, Holman, Howell, Huey, Huffstetter, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Major, Marrs, Mayfield, McAllister, McDowell, Miller, Ray, Reynolds, Stanfield, Stover, Stuart, Suit, Sumner, Thompson, Torbet, Walker, Watson, Williams, Wilson, Withers and Mr. Speaker—43.

So the bill did not pass.

On motion by Mr. Owen,

House bill No. 87, contained in the foregoing report,
Was laid on the table.

Mr. Buskirk moved to reconsider the vote instructing the committee on the Organization of Courts to amend bill of the House No. 70, so as to make Decatur, Rush, Fayette and Union a district.

Which was agreed to.

The question then recurred on the adoption of the instructions;
And it was determined in the negative.

Mr. McAllister moved to reconsider the vote instructing the committee on the Organization of Courts to add the county of Henry to the counties of Madison and Hancock in bill of the House No. 70.

Which was agreed to.

The question then being on agreeing to the instructions,
It was determined in the negative.

RESOLUTIONS OF THE HOUSE.

On motion by Mr. Holman,

Resolved, That the legislative journal of this House shall be bound in the usual form, in two volumes, and that the Clerk of the House make out to accompany each volume, an index of the matters therein contained.

Mr. Nelson, in pursuance of previous notice, obtained leave and introduced the following resolution :

Resolved, That upon motion of any member to adjourn, the name of such member, and the hour when made, shall be entered upon the journals by the Clerk.

Mr. Behm moved to lay the resolution on the table ;

And the question being put,

The ayes and noes were demanded by Messrs. Nelson and Behm.

Those who voted in the affirmative were,

Messrs. Beach, Behm, Bryant, Buskirk, Cowgill, Cromwell, Davis of Franklin, Davis of Sullivan, Donham, Eccles, Graham, Hart, Hays of White, Henry, Hudson, King, Laverty, Lindsey of Fayette, Marrs, Mayfield, McAllister, McConnell, Miller, Mudgett, Ray, Schoonover, Scudder, Smith of Spencer, Stevens, Torbet, and Withers—31.

Those who voted in the negative were,

Messrs. Beane, Beeson, Brady, Bulla, Carpenter, Chowning, Cockrum, Crawford, Crim, Dice, Dobson, Douthit, Gibson, Gunn, Hay of Clark, Helmer, Hicks, Holladay, Holman, Howell, Huey, Hunt, Lawrence, Leviston, Lewis, Lindsay of Howard, Litchfield, Major, Manson, McDowell, Nelson, Owen, Porter, Reynolds, Sale, Shanklin, Smith of Marion, Stanfield, Stover, Struble, Stuart, Suit, Sumner, Thompson, Walker, Wilson, Wells, Williams, Wilson, and Mr. Speaker—50.

So the resolution was not laid on the table.

Mr. Buskirk moved to amend the resolution by adding in the proper place, "and the particular reasons for the motion."

Mr. Reynolds moved to amend the amendment as follows:

"And that the member from Allen make the first motion to adjourn under the rule."

Mr. Nelson moved to lay the amendment, and the amendment to the amendment, on the table.

And the question being put,

The ayes and noes were demanded by Messrs. Buskirk and Doughty.

Those who voted in the affirmative were,

Messrs. Beane, Beeson, Brady, Bulla, Carpenter, Chowning, Cockrum, Crim, Dice, Dobson, Douthit, Foster, Gibson, Helmer, Huffstetter, Lawrence, Leviston, Lewis, Litchfield, Manson, McDowell, Nelson, Owen, Smith of Marion, Stover, Walker, Watson, Wells, Williams, and Mr. Speaker—30.

Those who voted in the negative were,

Messrs. Beach, Behm, Bryant, Buskirk, Cowgill, Crawford, Cromwell, Davis of Franklin, Davis of Sullivan, Donham, Doughty, Eccles, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Henry, Hicks, Holladay, Holman, Howell, Hudson, Huey, Humphreys, Hunt, King, Laverty, Lindsey of Fayette, Lindsay of Howard, Major, Marrs, Mayfield, McAllister, McConnell, Mudgett, Porter, Ray, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Spencer, Stanfield, Stevens, Struble, Stuart, Suit, Sumner, Thompson, Torbet, Wilson, and Withers—55.

So the motion did not prevail.

Mr. Brady moved to lay the amendment to the amendment on the table.

Which was disagreed to.

Mr. Hudson moved to lay the whole subject on the table;

And the question being put,

The ayes and noes were demanded by Messrs. Gibson and Suit.

Those who voted in the affirmative were,

Messrs. Beach, Behm, Brady, Bryant, Buskirk, Cowgill, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Donham, Doughty, Eccles, Graham, Gunn, Hanna, Hart, Hays of White, Henry, Hicks, Hudson, Huffstetter, Humphreys, King, Laverty, Leviston, Lindsey of Fayette, Marrs, Mayfield, McConnell, Miller, Mudgett, Ray, Schoonover, Scudder, Smith of Spencer, Stevens, Struble, Torbet, and Withers—40.

Those who voted in the negative were,

Messrs. Beane, Beeson, Bulla, Carpenter, Chowning, Cockrum, Crawford, Dice, Dobson, Douthit, Foster, Gibson, Hay of Clark, Helmer, Holladay, Holman, Howell, Huey, Hunt, Lawrence, Lewis, Lindsay of Howard, Litchfield, Major, Manson, McAllister, McDowell, Nelson, Owen, Porter, Reynolds, Sale, Shanklin, Smith of Marion, Stanfield, Stover, Suit, Stuart, Sumner, Thompson, Walker, Watson, Wells, Williams, Wilson, and Mr. Speaker—46.

So the motion did not prevail.

The question being put on the adoption of the amendment to the amendment;

It was disagreed to.

The question then recurred on the adoption of Mr. Buskirk's amendment;

And being put,

It was not agreed to.

Mr. Torbet submitted the following amendment to the resolution: Strike out from the resolving clause and insert the following:

The time of adjournment of the House shall in all cases be entered on the journals.

Mr. Lewis moved the House adjourn.

Which motion did not prevail.

Mr. Suit called the previous question;

Which was seconded, and the main question ordered.

The first question being on the amendment of Mr. Torbet,

The ayes and noes were demanded by Messrs. Gibson and Torbet.

Those who voted in the affirmative were,

Messrs. Behm, Bryant, Buskirk, Cowgill, Crawford, Cromwell, Davis of Franklin, Davis of Sullivan, Dobson, Doughty, Foster, Graham, Hanna, Hart, Hays of White, Henry, Hicks, Holladay, Holman, Howell, Huey, Humphreys, Hunt, King, Lavery, Lewis, Lindsey of Fayette, Lindsay of Howard, Major, Marrs, Mayfield, McAllister, McConnell, Miller, Mudgett, Owen, Reynolds, Sale, Scudder, Smith of Spencer, Stanfield, Stevens, Thompson, Torbet, Wilson, and Withers—46.

Those who voted in the negative were,

Messrs. Beach, Beane, Beeson, Brady, Bulla, Carpenter, Chowning, Cockrum, Crim, Dice, Donham, Douthit, Eccles, Gibson, Gunn, Hay of Clark, Helmer, Hudson, Huffstetter, Lawrence, Leviston, Litchfield, Manson, McDowell, Nelson, Ray, Schoonover, Shanklin, Smith of Marion, Stover, Struble, Stuart, Suit, Sumner, Watson, Wells, Williams, and Mr. Speaker—38.

So the amendment was adopted.

The question being put on the adoption of the resolution as amended,

The ayes and noes were demanded by Messrs. Gibson and Manson.

Those who voted in the affirmative were,

Messrs. Behm, Brady, Bryant, Buskirk, Cowgill, Davis of Sullivan, Doughty, Douthit, Foster, Graham, Gunn, Hanna, Hart, Hays of White, Henry, Holman, Howell, Humphreys, Hunt, Lindsey of Fayette, Lindsay of Howard, Mayfield, McConnell, Miller, Mudget, Owen, Sale, Scudder, Smith of Marion, Smith of Spencer, Stanfield, Stuart, Suit, Sumner, Thompson, Torbet, and Mr. Speaker—37.

Those who voted in the negative were,

Messrs. Beach, Beane, Beeson, Bulla, Carpenter, Chowning, Cockrum, Crawford, Crim, Cromwell, Davis of Franklin, Dice, Donham, Eccles, Gibson, Hay of Clark, Helmer, Hicks, Holladay, Hudson, Huey, Huffstetter, King, Laverty, Lawrence, Leviston, Litchfield, Major, Manson, Marrs, McAllister, McDowell, Nelson, Ray, Reynolds, Schoonover, Shanklin, Stover, Struble, Walker, Watson, Wells, Wilson, and Withers—45.

So the resolution was not adopted.

Mr. Owen, under the rule, gave notice of a motion for leave to add the following to the rules of the House :

Resolutions of the House shall, for the remainder of the session, not be in order, except on Saturday of each week.

On motion by Mr. Gibson,

Senate joint resolution No. 102. A joint resolution memorializing Congress to pass an act placing assistant surgeons, appointed by commanding officers of the U. S. Army, during the war with Mexico, on the same footing as to bounty land and extra pay, as regularly commissioned surgeons;

Was taken up and considered.

The joint resolution having been previously read a third time,
The question being, shall the joint resolution pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Brady, Bryant, Buskirk, Chowning, Carpenter, Crawford, Crim, Cromwell, Davis of Sullivan, Dice, Gibson,

Douthit, Eccles, Foster, Gibson, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Henry, Hicks, Holladay, Holman, Howell, Hudson, Huey, Huffstetter, Humphreys, Hunt, King, Lavery, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McAllister, McConnell, McDowell, Miller, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Sale, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Stover, Struble, Stuart, Suit, Torbet, Walker, Watson, Wells, Williams, Wilson, and Mr. Speaker—68.

Those who voted in the negative were,

Messrs. Beeson, Behm, Cockrum, Cowgill, Davis of Franklin, Donham, Doughty, Graham, Helmer, Lawrence, Marrs, and Withers—12.

So the joint resolution passed.

Mr. Smith of Spencer moved to reconsider the vote just taken.

Mr. Gibson moved to lay the motion on the table.

Which was disagreed to.

The question then recurred on reconsidering the vote just taken on the passage of the joint resolution.

And being put,

The ayes and noes were demanded by Messrs. Smith of Spencer and Donham.

Those who voted in the affirmative were,

Messrs. Beane, Beeson, Behm, Bulla, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Davis of Franklin, Donham, Doughty, Eccles, Graham, Gunn, Hanna, Helmer, Henry, Hicks, Holman, Hudson, Huey, Hunt, King, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Litchfield, Marrs, Reynolds, Sale, Scudder, Shanklin, Smith of Spencer, Stuart, Sumner, Thompson, Walker, Watson, Wilson and Withers—43.

Those who voted in the negative were,

Messrs. Beach, Bryant, Crim, Davis of Sullivan, Dice, Douthit, Foster, Gibson, Hart, Hay of Clark, Hays of White, Howell, Huffstetter, Humphreys, Lavery, Major, Mayfield, McAllister, McConnell, McDowell, Mudget, Nelson, Owen, Porter, Ray, Schoonover, Smith of Marion, Stanfield, Stover, Struble, Suit, Torbet, Wells, Williams and Mr. Speaker—35.

So the vote was reconsidered.

The question being on the passage of the joint resolution.

On motion by Mr. Gibson,
It was laid on the table.

By unanimous consent of the House,
Mr. Behm obtained leave and introduced

No. 259. A bill to provide for the levying upon real estate, upon execution when the debtor has conveyed the same to a third party before levy made.

Which was read a first time and passed to a second reading.

By unanimous consent of the House,
Mr. Hay of Clark obtained leave and introduced

No. 260. A bill providing for the appointment of notaries public and defining their powers and duties.

Which was read a first time and passed to a second reading.

By unanimous consent of the House,
Mr. McDowell obtained leave and introduced

No. 261. A bill regulating the appointment and removal of guardians for minors, prescribing their powers and duties, authorizing the sale of the real estate of minors requiring bond with security to be given by such guardian and authorizing suits on the same.

Which was read a first time and passed to a second reading.

By unanimous consent of the House,

Mr. Stuart obtained leave and made the following report:

Mr. SPEAKER:

The committee on the Organization of Courts, to whom was referred House bill No. 70, with the engrossed amendments of the Senate, and sundry instructions, have had the same under consideration, and instructed me to make the following report:

First. They have amended the engrossed amendments of the Senate, as instructed, and ask to be discharged from the further consideration of the subject.

The counties of Monroe, Brown and Morgan, a district.

The county of Vigo a district.

The counties of Clay, Owen, Greene and Sullivan, a district.

The counties of Boone and Montgomery, a district.

The counties of Lagrange and Elkhart, a district.

The counties of Warrick and Vanderburgh a district.

The counties of Pike, Knox, Daviess and Martin, a district.

The counties of Adams and Allen, a district.

The counties of Huntington and Wells, a district.

Second. The committee respectfully recommend to the House to

refuse concurrence in the amendments of the Senate, striking out the 5th section, and substituting, &c.

Third. The committee respectfully recommend to the House to refuse to concur in the following amendments of the Senate:

1st. Striking out the 16th section of the bill.

2d. In the 2d amendment, striking out all after the word "vacation," in the 5th line of section thirty-five (35.)

Fourth. They recommend concurrence in the amendment of the Senate to the 39th section, with the following amendment:

Strike out the amendment of the Senate after the word "composed," in the 2d line, and insert in lieu thereof the following:

"Of more than one county, where the business of the court shall not require more than sixteen weeks, the salary of the judge shall not exceed six hundred dollars. And *provided, further,* that in every district where the docket fees, provided for in this bill, shall exceed the salary allowed to the judge, such excess shall be paid over annually to the judge, in addition to his salary."

Fifth. The committee respectfully recommend the concurrence of the House in all the other amendments of the Senate.

The amendments of the Senate were considered separately.

The House concurred in the first amendment of the Senate.

The House concurred in the second engrossed amendment of the Senate, with the first amendment reported by the committee on the Organization of Courts.

The third engrossed amendment was concurred in, and the House refused to concur in the fourth engrossed amendment.

The fifth, sixth, seventh, eighth, ninth, tenth, eleventh and twelfth engrossed amendments of the Senate were concurred in.

The House concurred in the thirteenth amendment of the Senate, with an amendment, "striking out the 2d branch of the amendment."

The fourteenth and fifteenth engrossed amendments of the Senate were concurred in.

The question being put on concurring in the amendment proposed by the committee to the sixteenth amendment,

It was determined in the negative.

The House then refused to concur in the sixteenth amendment of the Senate.

The seventeenth and subsequent engrossed amendments of the Senate were concurred in.

Ordered that the Clerk inform the Senate thereof.

ORDERS OF THE DAY.

House bills on second reading.

No. 244. A bill concerning liens of Mechanics, Merchants and others,

Was read a second time, and considered as in committee of the Whole.

It was reported to the House without amendment.

Ordered, that this bill be engrossed.

No. 211. A bill regulating the granting of divorces, nullification of marriages and decrees and orders of court incident thereto.

The bill having been read a second time previously,

The question was put on concurring in the following amendment of Mr. Buskirk:

Add after the end of the 16th section:

And it shall be deemed sufficient evidence of good character, if such petitioner shall satisfy the court or jury trying the same that she had for two years previous to the filing of such petition maintained a good reputation for chastity and virtue.

It was decided in the affirmative.

Mr. Douthit moved to amend the bill by striking out all allowing the offending party to marry again.

Which was disagreed to.

The bill was then ordered to be engrossed.

Mr. Owen moved to consider the bill as engrossed, and that it be read a third time now.

Which was agreed to.

The bill was read a third time.

On motion by Mr. Lindsay of Howard,

The House adjourned.

2 o'clock, P. M.

The House met.

The question pending at last adjournment was on the passage of House bill

No. 211. A bill regulating the granting of divorces, &c.]

And being put,

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Behm, Bryant, Bulla, Buskirk, Chowning, Cockrum, Cowgill, Crim, Cromwell, Dice, Dobson, Donham, Doughty, Eccles, Foster, Gibson, Hanna, Hay of Clark, Henry, Hicks, Holman, Howell, Hudson, Huey, Huffstetter, Humphreys, Hunt, Lavery, Lawrence, Leviston, Lewis, Lindsey of Fayette, Linsday of Howard, Litchfield, Major, Manson, Marrs, McAllister, McConnell, McDowell, Miller, Mudgett, Nelson, Owen, Porter, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Sumner, Thompson, Walker, Watson, Wells, Williams, Wilson, Withers and Mr. Speaker—69.

Those who voted in the negative were,

Messrs. Carpenter, Davis of Franklin, Douthit, Graham, Gunn and Smith of Spencer—6.

So the bill passed.

Ordered, that the Clerk inform the Senate thereof.

On motion by Mr. Buskirk,

House bill No. 173, was taken up.

Mr. Stanfield moved to reconsider the vote by which the House to-day ordered bill No. 173, a bill to provide for the valuation and assessment of the real and personal property and the collection of taxes, &c., to be engrossed.

And the question being put,

The ayes and noes were demanded by Messrs. Buskirk and Huffstetter.

Those who voted in the affirmative were,

Messrs. Beeson, Behm, Brady, Bulla, Carpenter, Cockrum, Cromwell, Davis of Sullivan, Dobson, Donham, Doughty, Eccles, Foster, Graham, Gunn, Hay of Clark, Helmer, Hudson, Hunt, Lawrence, Leviston, Lewis, Lindsey of Fayette, Manson, Marrs, McDowell, Miller, Mudgett, Sale, Scudder, Shanklin, Smith of Spencer, Stanfield, Stover, Suit, Sumner, Thompson, Walker, Watson, and Williams—40.

Those who voted in the negative were,

Messrs. Beach, Beane, Bryant, Buskirk, Chowning, Cowgill, Crim, Davis of Franklin, Dice, Douthit, Gibson, Hanna, Hays of White, Henry, Hicks, Holman, Howell, Huey, Huffstetter, Humphreys, Lavery, Linsday of Howard, Litchfield, Major, McAllister, McConnell, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Smith of

Marion, Staton, Stevens, Struble, Stuart, Wells, Wilson, Withers, and Mr. Speaker—41.

So the vote was not reconsidered.

The bill was read a third time.

Mr. Hudson moved to postpone the further consideration of this bill until next Wednesday at 10 o'clock, and make it the special order of the day for that hour.

Which was disagreed to.

Mr. Hicks moved to recommit the bill to the committee on Ways and Means, with the following instructions:

So arrange the bill that all persons may deduct their indebtedness from their property taxed.

Mr. McDowell moved to amend the instructions as follows:

SEC. —. All lands sold by the United States for five years from the date of entry, and unpaid purchase money drawing seven per cent., on account of the sale of school lands, shall be exempt from taxation.

Which was disagreed to.

Mr. Cockrum moved to amend the instructions as follows:

Insert in the proper place, "that all tax payers shall have the right to deduct from the amount of notes and accounts *they* hold on others from the amount of *his* or *her* indebtedness.

Which was disagreed to.

Mr. Stover moved to amend the instructions as follows:

So change the bill that each person may deduct the amount of his indebtedness, owing to persons residing in this State, from the amount of his personal property.

Which was accepted by Mr. Hicks.

Mr. Beeson moved to amend the instructions as follows:

Amend by striking out the first of January, and inserting the first of February for enlistment of personal property.

Mr. Marrs submitted the following amendment to the amendment:

Strike out the word January wherever it occurs, and insert March in lieu thereof.

Which was disagreed to.

The question then recurred on the adoption of the amendment of Mr. Beeson to the instructions;

And being put,

It was decided in the negative.

Mr. Manson moved to amend the instructions as follows:

Insert after the word "company," in the 21st line on the 17th page, the following: "Owned by persons not residents of this State."

Mr. Doughty moved to amend the amendment as follows:

Amend 15th line on page 12, after the word State, "all over and above their indebtedness.

And the question being put on its adoption,

The ayes and noes were demanded by Messrs. Doughty and Hart.

Those who voted in the affirmative were,

Messrs. Behm, Cockrum, Crawford, Cromwell, Davis of Franklin, Doughty, Gibson, Graham, Hart, Hay of Clark, Lawrence, Leviston, Lindsey of Fayette, Manson, Marrs, Mayfield, McDowell, Owen, Sale, Scudder, Shanklin, Smith of Spencer, Stanfield, Stevens, Stover, Suit, Sumner, Torbet, and Walker—29.

Those who voted in the negative were,

Messrs. Beach, Beane, Beeson, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cowgill, Crim, Davis of Sullivan, Dice, Dobson, Douthit, Eccles, Foster, Hays of White, Hanna, Helmer, Henry, Hicks, Holladay, Holman, Howell, Hudson, Huey, Huffstetter, Humphreys, Hunt, Laverty, Lewis, Lindsay of Howard, Litchfield, Major, McAllister, McConnell, Miller, Mudgett, Nelson, Porter, Ray, Reynolds, Schoonover, Smith of Marion, Staton, Struble, Stuart, Thompson, Watson, Wells, Williams, Wilson, Withers and Mr. Speaker—55.

So the amendment to the amendment was disagreed to.

Mr. Nelson moved to lay the whole subject on the table.

Which was disagreed to.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House without amendment:

No. 3. Entitled "an act to regulate the mode of proceedings against canal companies for failing to construct, build, rebuild, repair or supply bridges at such places across such canals as said canal crosses any State or county road or street of a town."

Mr. Smith of Marion, chairman of the committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The committee on Enrolled Bills have compared the following enrolled bill of the House of the corresponding number, and find the same correctly enrolled:

No. 3. An act to regulate the mode of proceeding against canal companies for failing to construct, build or rebuild, repair or supply bridges at such places across such canal as said canal crosses any State or county road or street of a town.

Whereupon the Speaker signed the same.

Ordered that the Clerk inform the Senate thereof.

Mr. Laverty from the committee on Enrolled Bills made the following report:

MR. SPEAKER:

The joint committee on Enrolled Bills have this day presented to his Excellency the Governor, for his approval, enrolled bills of the House numbered 193, 205 and 206.

On motion by Mr. Stanfield,
The House adjourned.

WEDNESDAY MORNING, 8 o'clock,
May 5, 1852. }

The House met.

The Speaker not being present,

On motion by Mr. Withers,

Mr. Brady was called to the chair.

The clerk proceeded to read the Journal.

Mr. McDowell moved to dispense with the reading thereof.

Which motion did not prevail.

PETITIONS, MEMORIALS AND REMONSTRANCES PRESENTED.

By Mr. Torbet;

A petition from sundry citizens of Dearborn county, praying a change in the laws in relation to corporate bodies;

Which,

On motion,

Was referred to the committee on Corporations.

By Mr. Mayfield;

A memorial from sundry citizens of Jefferson county, praying the passage of a law similar to the Maine law;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Sumner;

A memorial from sundry citizens of Marshall county, praying the passage of a law similar to the Maine law;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Dice;

The memorial of sundry citizens of Fountain county, praying the passage of a law similar to the Maine law.

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Hicks;

The memorial of 120 ladies of Jennings county, praying the passage of a law similar to the Maine law;

Which,

On motion,

Were referred to the committee on Temperance.

By Mr. Huey;

The memorial of sundry ladies and gentlemen of Jay county, praying the passage of a law similar to the Maine law;

Which,

On motion,

Was referred to the committee on Temperance.

REPORTS FROM COMMITTEES.

Mr. Owen, from the committee on Education, made the following report:

MR. SPEAKER:

The committee on Education, to whom was referred Senate bill

No. 121, regarding the incorporation of high schools, academies, &c., have had that subject under consideration, and have instructed me to report the same back with amendments, and when amended, to recommend its passage.

SEC. 1. Strike out the words "verified by their oath or affirmation," and insert "verified by the oath of at least five of the same."

SEC. 5. Insert before the word "bond" the word "official;" and add after the word "Indiana," the words "for the use of such institution."

SEC. 8. Strike out the words "verified by oath," and insert "verified by the oath of at least five of the stockholders."

Which were concurred in, and the bill ordered to a third reading.

RESOLUTIONS OF THE HOUSE.

On motion by Mr. Lindsay of Howard,

Resolved, That the use of this Hall be tendered to the friends of temperance for the purpose of a temperance lecture, on next Thursday evening, at 7½ o'clock.

By unanimous consent of the House,
Mr. Hay of Clark obtained leave and introduced

No. 262. A bill defining who are persons of unsound mind, authorizing the appointment of guardians for such persons, defining the powers and duties of such guardians, declaring void the contracts of persons of unsound mind, and providing for their restraint when necessary.

Which was read a first time, and passed to a second reading.

By unanimous consent of the House,
Mr. Smith of Marion obtained leave and introduced

No. 263. A bill to regulate the hours of manual labor;
Which bill was read a first time and passed to a second reading.

ORDERS OF THE DAY.

The House resumed the consideration of
House bill No. 173. A bill to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors,

and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and the Treasurer and Auditor of State.

The question pending at last adjournment, was the adoption of Mr. Manson's amendment, viz:

Insert after the word "company" in the 21st line, on the 17th page, the following: "owned by persons not residents of this State."

To the following instructions of Mr. Hicks, viz:

To so change the bill that each person may deduct the amount of his indebtedness owing to persons residing in this State from the amount of his personal property.

Mr. Scudder moved to amend the amendment of Mr. Manson by striking out the word "solvent" in the 14th line on the 12th page of the printed bill;

Which was agreed to.

The question then being put on the adoption of the amendment of Mr. Manson to the instructions of Mr. Hicks,

The ayes and noes were demanded by Messrs. Manson and Davis of Sullivan.

Those who voted in the affirmative were,

Messrs. Beeson, Behm, Brady, Bulla, Buskirk, Carpenter, Davis of Franklin, Davis of Sullivan, Dobson, Doughty, Gunn, Holman, Hudson, Kent, Laverty, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Manson, Marrs, Mayfield, Nelson, Owen, Sale, Shanklin, Smith of Spencer, Stover, Thompson, and Torbet—39.

Those who voted in the negative were,

Messrs. Beach, Beane, Chowning, Cockrum, Cowgill, Crim, Dice, Donham, Douthit, Eccles, Foster, Gibson, Graham, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Howell, Huey, Huffstetter, Humphreys, Hunt, Lewis, Litchfield, Major, McAllister, McConnell, McDowell, Miller, Morris, Mudgett, Porter, Ray, Reynolds, Schoonover, Smith of Marion, Stanfield, Staton, Struble, Stuart, Suit, Sumner, Sweet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—54.

So the amendment was not adopted.

Mr. Gibson moved to strike out the instructions and insert the following:

To provide for assessing telegraphic lines in the counties through which they are constructed.

And the question being put,

The ayes and noes were demanded by Messrs. Withers and Behm.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Brady, Buskirk, Chowning, Cowgill, Crawford, Davis of Sullivan, Donham, Douthit, Eccles, Gibson, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Holman, Howell, Huey, Huffstetter, Humphreys, Hunt, Lavery, Leviston, Lindsey of Fayette, Linsday of Howard, Litchfield, Major, Marrs, McAllister, McConnell, Miller, Mudget, Nelson, Owen, Porter, Reynolds, Schoonover, Shanklin, Smith of Marion, Stanfield, Staton, Stover, Struble, Sweet, Wells, Williams, Wilson, Withers, and Mr. Speaker—52.

Those who voted in the negative were,

Messrs. Beeson, Behm, Bulla, Carpenter, Cockrum, Crim, Cromwell, Davis of Franklin, Dice, Doughty, Foster, Graham, Gunn, Hicks, Holladay, Lawrence, Lewis, Mayfield, Ray, Sale, Scudder, Smith of Spencer, Suit, Sumner, Thompson, Walker, and Watson—27.

So the motion prevailed.

Mr. Stanfield moved to amend the instructions as follows, viz:

By adding—

Strike out all on page 18 of printed bill, in relation to taxing the Wabash and Erie canal, its lands and other property belonging to the trustees of the same, and held by them for the use of the trust.

On motion by Mr. Buskirk,

The House adjourned.

2 o'clock, P. M.

The House met.

The question pending at last adjournment being on the adoption of the amendment of Mr. Stanfield to the instructions of Mr. Hicks, as amended on the motion of Mr. Gibson;

And being put,

The ayes and noes were demanded by Messrs. Stanfield and Buskirk.

Those who voted in the affirmative were,

Messrs. Behm, Brady, Bryant, Carpenter, Cockrum, Cowgill, Cromwell, Davis of Franklin, Davis of Sullivan, Dobson, Graham, Gunn, Holladay, Hunt, Kent, Lavery, Lawrence, Mayfield, Mudgett, Owen, Sale, Scudder, Stanfield, Stover, Watson, and Williams—26.

Those who voted in the negative were,

Messrs. Beach, Beane, Beeson, Bulla, Buskirk, Chowning, Crim, Dice, Donham, Doughty, Douthit, Eccles, Foster, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holman, Howell, Huey, Huffstetter, Humphreys, Leviston, Lewis, Lindsey of Fayette, Linsday of Howard, Litchfield, Major, Manson, Marrs, McAllister, McConnell, McDowell, Miller, Morris, Nelson, Porter, Ray, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Staton, Struble, Suit, Sumner, Sweet, Thompson, Torbet, Walker, Wilson, Withers, and Mr. Speaker—57.

So the amendment was not adopted.

Mr. Hicks submitted the following amendment to the instructions:

So change the bill that each person may deduct the amount of indebtedness owing to persons residing in this State or any fund of this State, under oath, from his or her assessment.

Mr. Scudder moved to amend the amendment by striking out the word "solvent" in the 14th line and 12th page;

Which was agreed to.

The question then recurred on the amendment of Mr. Hicks to the instructions;

And being put,

The ayes and noes were demanded by Messrs. Manson and Hicks.

Those who voted in the affirmative were,

Messrs. Beeson, Behm, Bulla, Cockrum, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donham, Doughty, Foster, Graham, Gunn, Hart, Hicks, Holman, Huey, Humphreys, Leviston, Lewis, Lindsey of Fayette, Manson, Marrs, Mayfield, McDowell, Miller, Morris, Reynolds, Sale, Scudder, Shanklin, Smith of Spencer, Stanfield, Stover, Suit, Sumner, Thompson, Walker, Watson, and Mr. Speaker—42.

Those who voted in the negative were,

Messrs. Beach, Beane, Brady, Bryant, Buskirk, Carpenter, Chowning, Cowgill, Douthit, Eccles, Hanna, Hay of Clark, Hays of White,

Helmer, Henry, Holladay, Howell, Huffstetter, Hunt, Kent, Laver-ty, Lawrence, Litchfield, Major, McAllister, McConnell, Mudgett, Nelson, Owen, Porter, Ray, Schoonover, Smith of Marion, Staton, Struble, Sweet, Torbet, Wells, Williams, Wilson, and Withers—41.

So the amendment was adopted.

Mr. Stanfield submitted the following amendment to the instructions:

Strike out the 3d section, commencing at page 6, and insert

All real and personal property within this State, whether owned by persons residing within or without this State, and all revenues and incomes due to, or received by any person residing in this State, derived from personal property owned by such persons out of this State, subject to the exceptions hereinafter stated, shall be subject to taxation.

Which was disagreed to.

Mr. Carpenter submitted the following amendments to the instructions, viz:

In section 58, add after "land" in 21st line, "or town lot, or part of lot." Also strike out in 22d line all after the word "thereto."

Amend section 60 by striking out in the 16th line after "estate," "other than town property." Also add in the 17th line before "township," "town or."

Amend section 110 in the 7th line, after the word "person," "has not been assessed, or."

Amend section 113, by striking out the section, commencing at the 4th line.

Amend section 121 in the 4th line, by striking out "August," and insert "January."

The amendments were considered separately.

The question being put on the 1st amendment,

It was agreed to.

The question being put on the 2d amendment,

It was disagreed to.

The question being put on the 3d amendment,

It was agreed to.

The question then being put on the 4th amendment,

It was agreed to.

The question then being put on the adoption of the 5th amendment,

The ayes and noes were demanded by Messrs. Holman and Withers.

Those who voted in the affirmative were,

Messrs. Beeson, Behm, Bryant, Carpenter, Cockrum, Cromwell, Dice, Graham, Gunn, Hart, Hay of Clark, Holladay, Holman, Kent, Marrs, Mayfield, McDowell, Sale, Scudder, Stanfield, Suit, Thompson, and Withers—23.

Those who voted in the negative were,

Messrs. Beach, Beane, Brady, Bulla, Buskirk, Chowning, Crim, Davis of Franklin, Davis of Sullivan, Dobson, Donham, Doughty, Douthit, Eccles, Foster, Hanna, Helmer, Henry, Hicks, Howell, Huey, Huffstetter, Humphreys, Hunt, Lavery, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, McAllister, McConnell, Miller, Morris, Mudget, Nelson, Owen, Porter, Ray, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stover, Struble, Sumner, Sweet, Walker, Watson, Wells, Williams, Wilson and Mr. Speaker—57.

So the amendment was not adopted.

Mr. Douthit offered the following amendment:

On page 50, 17th line—Strike out "December," and insert "February."

Which was disagreed to.

On motion by Mr. Douthit,

The vote just taken, was reconsidered.

The question then recurred on the adoption of Mr. Douthit's amendment;

And being put,

It was decided in the negative.

Mr. Dobson submitted the following amendment to the instructions:

That the committee so amend the bill as to distribute the county tax arising from the Wabash and Erie canal, among the counties in the State according to population;

And the question being put on its adoption,

The ayes and noes were demanded by Messrs. Suit and Dobson.

Those who voted in the affirmative were,

Messrs. Beane, Beeson, Bulla, Carpenter, Crim, Davis of Franklin, Dobson, Doughty, Eccles, Foster, Graham, Gunn, Hart, Hay of Clark, Holman, Huey, Humphreys, Kent, Lavery, Lawrence, Leviston, Lewis, Lindsay of Howard, Major, Manson, Marrs, Mayfield, McConnell, McDowell, Miller, Morris, Mudget, Owen, Porter, Ray, Reynolds, Sale, Smith of Spencer, Stanfield, Staton, Stover, Suit, Sumner, Sweet, Walker, Watson, Wilson, and Withers—48.

Those who voted in the negative were,

Messrs. Behm, Brady, Bryant, Buskirk, Chowning, Cockrum, Cowgill, Cromwell, Davis of Sullivan, Dice, Donham, Hanna, Hays of White, Henry, Hicks, Holladay, Howell, Huffstetter, Hunt, Lindsey of Fayette, Litchfield, McAllister, Nelson, Schoonover, Scudder,

Shanklin, Smith of Marion, Struble, Stuart, Thompson, Wells, Williams, and Mr. Speaker—33.

So the amendment was adopted.

Mr. Beeson offered the following amendment to the instructions:

Amend in the proper place so that all persons *shall furnish* a correct list, under oath, of their personal property to the assessor, and *he* shall make the assessment upon said property.

Which was disagreed to.

Mr. Behm offered the following amendment to the instruction:

That the amount of tax collected for county purposes from the White Water Valley canal, be also equally distributed to every county in the State.

And the question being put on its adoption,

The ayes and noes were demanded by Messrs. Behm and Graham.

Those who voted in the affirmative were,

Messrs. Beane, Behm, Brady, Bryant, Buskirk, Carpenter, Chowning, Cowgill, Crim, Cromwell, Davis of Sullivan, Dice, Dobson, Donham, Eccles, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Howell, Huey, Huffstetter, Humphreys, Laverty, Lewis, Lindsay of Howard, Manson, Marrs, Mayfield, McAllister, McConnell, McDowell, Miller, Morris, Mudget, Porter, Ray, Reynolds, Sale, Scudder, Stover, Stuart, Sumner, Sweet, Walker, Wells, Williams, and Wilson—52.

Those who voted in the negative were,

Messrs. Beach, Beeson, Bulla, Cockrum, Davis of Franklin, Douthit, Foster, Hart, Holladay, Holman, Kent, Lawrence, Leviston, Lindsey of Fayette, Litchfield, Major, Nelson, Owen, Shanklin, Smith of Marion, Stanfield, Staton, Struble, Suit, Thompson, Watson, Withers, and Mr. Speaker—28.

So the amendment was adopted.

Mr. Withers called the previous question ;

Which was seconded, and the main question ordered.

The main question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Brady, Buskirk, Chowning, Crim, Dice, Donham, Douthit, Eccles, Hanna, Hart, Hays of White, Helmer, Henry, Holman, Howell, Huey, Huffstetter, Humphreys, Leviston, Litchfield, Major, McConnell, Morris, Nelson, Porter, Reynolds,

Schoonover, Shanklin, Smith of Marion, Struble, Stuart, Sweet, Wells, Wilson, Withers, and Mr. Speaker—38.

Those who voted in the negative were,

Messrs. Behm, Bryant, Bulla, Carpenter, Cockrum, Cowgill, Davis of Franklin, Davis of Sullivan, Dobson, Foster, Graham, Gunn, Hay of Clark, Hicks, Holladay, Hunt, Kent, Laverty, Lawrence, Lindsey of Fayette, Lindsay of Howard, Manson, Marrs, Mayfield, McAllister, McDowell, Miller, Owen, Ray, Sale, Scudder, Smith of Spencer, Stanfield, Staton, Suit, Sumner, Thompson, Walker, Watson, and Williams—40.

So the bill did not pass.

The Speaker laid before the House a temperance memorial from sundry citizens of Miami county;

Which,

On motion by Mr. Owen,

Was referred to the committee on Temperance.

On motion by Mr. Stover,

House bill No. 203. A bill regulating general elections, &c.;

Was taken from the table and referred to a select committee of three.

Messrs. Stover, Holman and Donaldson, were appointed said committee.

Mr. Owen, in pursuance of previous notice, moved the following amendment to the rules of the House:

During the remainder of the session, resolutions of the House shall not be in order, except on Saturday of each week.

Mr. Humphreys moved to amend the motion by adding in the proper place, "except in cases of emergency."

Which was disagreed to.

The question then being on the adoption of Mr. Owen's proposition,

The ayes and noes were demanded by Messrs. Withers and Behm.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Brady, Bryant, Chowning, Cockrum, Cowgill, Crim, Dice, Dobson, Foster, Gunn, Hanna, Hays of White, Holladay, Howell, Huey, Hunt, Kent, Laverty, Lawrence, Leviston, Lewis, Lindsey of Fayette, Marrs, Mayfield, McAllister, McDowell, Morris, Nelson, Owen, Porter, Ray, Reynolds, Sale, Scudder,

Smith of Spencer, Stanfield, Staton, Stover, Stuart, Suit, Sumner, Walker, Watson, Wells, Williams, and Wilson—48.

Those who voted in the negative were,

Messrs. Beeson, Behm, Bulla, Buskirk, Carpenter, Cromwell, Davis of Franklin, Davis of Sullivan, Donham, Douthit, Eccles, Graham, Hart, Hay of Clark, Helmer, Henry, Hicks, Holman, Huffstetter, Humphreys, Lindsay of Howard, Litchfield, Major, McConnell, Miller, Mudget, Schoonover, Shanklin, Smith of Marion, Struble, Sweet, Thompson, Withers and Mr. Speaker—34.

So the motion was agreed to.

No. 213. A bill touching official bonds and oaths.

The pending question being on the motion of Mr. Buskirk, (made the 28th of April) to strike out the 15th section,

It was decided in the affirmative.

Ordered, that the bill be engrossed.

No. 245. A bill concerning the three per cent. fund, and the management thereof,

Was read a second time, and considered as in committee of the Whole. It was reported to the House without amendment.

Ordered, that the bill be engrossed.

No. 246. A bill to authorize the Governor to sell the building on the Governor's Circle,

Was read a second time, and considered as in Committee of the Whole. It was reported to the House without amendment.

On motion by Mr. Brady,

The bill was laid on the table.

On motion by Mr. Carpenter,

House bill No. 224, A bill to authorize and limit allowances by courts and boards, and drafts upon county treasurers,

Was taken from the table and placed upon the files of the House.

No. 247. A bill respecting foreign corporations, and their agents in this State,

Was read a second time, and considered as in Committee of the Whole, and reported to the House without amendment.

Mr. Carpenter submitted the following amendment to the bill:

Amend by continuing the last line of section 5 as follows: "or agents of life insurance companies."

On motion by Mr. McDowell,

The bill and amendment were referred to the Judiciary committee.

No. 248. A bill in relation to the construction of statutes, and the definition of terms therein,

Was read a second time, and considered as in Committee of the Whole, and reported to the House without amendment.

Mr. Lindsay of Howard moved to refer the bill to the Judiciary committee.

Mr. Owen moved to amend the motion by changing the reference to the joint committee on Revision and Phraseology;

And the question being put,

It was agreed to.

The question then recurred on committing the bill, on the motion of Mr. Lindsay of Howard, as amended;

And being put,

It was determined in the affirmative.

No. 28. Joint resolution on the subject of donating the government lands of the State of Indiana to the State,

Was read a second time and ordered to be engrossed.

No. 29. A joint resolution in relation to the practice and pleading in the United States' courts,

Was read a second time.

Mr. McDowell moved to lay the joint resolution on the table;

Which was disagreed to.

The joint resolution was ordered to be engrossed.

No. 199. A bill providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases.

The question pending being, shall the bill be engrossed?

It was agreed to, and ordered.

No. 250. A bill to abolish the office of State Agent, and require the Auditor of State to perform the duties now required of said Agent;

Was taken up.

Mr. Lindsay of Howard moved a call of the House.

Which was not agreed to.

Mr. Suit moved to lay the bill on the table.

Which motion did not prevail.

The bill was then read a second time, and considered as in committee of the whole and reported to the House without amendment.

On motion by Mr. Behm,

The bill was referred to a select committee of three.

Messrs. Behm, Kent and Manson were appointed said committee.

On motion by Mr. Stover,

House bill,

No. 202. A bill prescribing the number and defining the powers and duties of constables ;

Was taken from the table and placed upon the files of the House.

No. 249. A bill prescribing the powers and duties of Auditor of State;

Was read a second time and considered as in committee of the whole and reported to the House without amendment.

On motion by Mr. Stover,

This bill was laid on the table.

Mr. English gave notice of a motion for leave to introduce,
" A bill in relation to the taxation of railroads, plank roads and canals."

A message from the Senate by Mr. Emerson, a senator :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill of the House without amendment, to-wit :

No. 194. An act concerning real property and the alienation thereof;

A message from the Senate by Mr. Slack, a senator :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House without amendment :

No. 27, Entitled " an act for the more uniform mode of doing township business."

A message from the Senate by Mr. Dunn their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bills of the House without amendment :

No. 198. Entitled " an act concerning the accumulation, suspension of ownership and joint tenancy of personal property.

No. 212, entitled " an act regulating prosecutions in cases of bastardy, and providing for the support of illegitimate children."

A message from the Governor by Mr. King executive messenger:

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives, that he has approved and signed the following bills to-wit:

No. 193. An act concerning mortgages.

No. 205. An act to provide for contesting the election to any State, district, circuit, county or township office.

No. 206. An act for the protection of lands held by, or mortgaged to the State, and concerning charges thereon.

Which bills originated in the House of Representatives.

On motion by Mr. McDowell,
The House adjourned.

THURSDAY MORNING, 8 o'clock, }
May 6, 1852. }

The House met.

The Journal being partly read.

On motion by Mr. Owen,

The further reading of the journal was dispensed with.

Mr. Owen gave notice, that, to-morrow or some subsequent day he would move to add to the rules of the House the following:

The previous question, moved pending a motion to commit, shall not cut off that motion.

PETITIONS, &C., PRESENTED.

By Mr. Hicks:

Two temperance memorials from sundry citizens of Jennings county;

Which,

On motion,

Were referred to the committee on Temperance.

REPORTS FROM COMMITTEES.

Mr. Suit, from the Judiciary committee, made the following report:

MR. SPEAKER:

The committee on the Judiciary, to whom was referred House bill No. 214, entitled "an act concerning promissory notes and bills of exchange," have had the same under consideration, and have directed me to report the same back with the following amendment, and when so amended recommend its passage, and ask to be discharged from the further consideration thereof.

Before the words "instruments of writing," in the first section, insert the word "other."

Strike out section six (6) and insert the following section in lieu thereof:

SEC. —. Notes payable to order or bearer in a bank in this State, shall be negotiable as inland bills of exchange, and the payees and indorsees thereof may recover as in case of such bills.

The amendments were concurred in, and the bill ordered to be engrossed.

Mr. Owen moved to consider the bill as engrossed, and that it be read a third time;

Which was agreed to.

The bill was read a third time.

The question being, Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Behm, Brady, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Dice, Dobson, Donham, Doughty, Douthit, Eccles, Foster, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Howell, Hudson, Huey, Huffstetter, Hunt, Lavery, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McConnell, McDowell, Miller, Morris, Nelson, Owen, Porter, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Stanfield, Staton, Stover, Struble, Stuart, Suit, Sumner, Sweet, Thompson, Walker, Watson, Wells, Williams, Wilson, and Withers—76.

Those who voted in the negative were,

Messrs. Smith of Spencer, and Mr. Speaker—2.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

Mr. Stanfield, from the Judiciary committee, made the following report:

MR. SPEAKER:

The committee on the Judiciary, to whom was referred House bill No. 191, entitled "An act to amend the third section of an act entitled an act to incorporate the White River Navigation Company, approved February 13, 1851, and to extend the rights and privileges of said company," have had the same under consideration, and have directed me to report the bill back as unconstitutional, and recommend that it be laid on the table, and ask to be discharged from the further consideration thereof.

Which report was concurred in, and the bill laid on the table.

Mr. Stover from the select joint committee on Revision made the following report:

MR. SPEAKER:

The select joint committee on Revision, to whom was referred the subject, have instructed me to report No. 264, a bill prescribing the duties of Governor, and to recommend its passage.

The bill was read a first time and passed to a second reading.

ORDERS OF THE DAY.

House bills on second reading.

No. 251. A bill for the regulation of the penitentiary;

The bill was read a second time, and considered as in committee of the whole, and reported back without amendment.

Ordered, that this bill be engrossed.

On motion by Mr. Gibson,

House bill No. 246. A bill to authorize the Governor to sell the buildings on the Governors Circle.

Was taken up.

On motion by Mr. Gibson,

The bill was referred to the joint standing committee on Public Buildings with instructions to examine the buildings on the Governor's Circle and report to this House its present condition and whether of any present or probable interest to the State.

No. 252. A bill declaring abduction a felony, and providing for its punishment.

Was read a second time,

And considered as in committee of the whole, and reported back without amendment.

On motion by Mr. Gibson,

The bill was laid on the table.

No. 196. A bill to regulate the tariff of tolls on the Wabash and Erie Canal.

Was taken up; after debate,

On motion by Mr. Stuart,

The bill was laid on the table.

No. 30. Joint resolution;

Was read a second time.

On motion by Mr. Shanklin,

The joint resolution was laid on the table.

Senate bill No. 112. A joint resolution for the purpose of opening a correspondence with the executive of Ohio regarding the assessment and taxation of personal property.

Was read a third time.

On motion by Mr. Behm,

The joint resolution was laid on the table.

HOUSE BILLS ON THIRD READING.

No. 215. A bill to encourage the growth of silk.

Was read a third time.

The question being, Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis of Sullivan, Dice, Dobson, Donham, Doughty, Douthit, Eccles, Foster, Gibson, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Howell, Huey, Huffstetter, Humphreys, Hunt, Kent, Laverty, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McConnell, McDowell, Morris, Mudget, Nelson, Owen, Porter, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stover, Struble, Stuart, Suit, Sumner, Sweet, Thompson, Torbet, Walker, Watson, Wells, Wilson and Withers—79.

Those who voted in the negative were,

Messrs. Davis of Franklin, Williams and Mr. Speaker—3.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

Mr. Smith of Spencer moved to reconsider the vote just taken on the passage of House bill 215;

And the question being put;

The ayes and noes were demanded by Messrs. Behm and Smith of Spencer.

Those who voted in the affirmative were,

Messrs. Beeson, Behm, Brady, Bulla, Crawford, Cromwell, Davis of Franklin, Donham, Doughty, Foster, Graham, Hart, Hicks, Holman, Leviston, Lindsey of Fayette, Linsday of Howard, Major, McDowell, Miller, Morris, Smith of Marion, Smith of Spencer, Thompson, Walker, Williams, and Withers—27.

Those who voted in the negative were,

Messrs. Beach, Beane, Bryant, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crim, Davis of Sullivan, Dice, Dobson, Douthit, Eccles, Gibson, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Holladay, Howell, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, Lavery, Lawrence, Lewis, Litchfield, Manson, Marrs, Mayfield, McAllister, McConnell, Mudgett, Nelson, Owen, Porter, Reynolds, Schoonover, Scudder, Shanklin, Stanfield, Staton, Stover, Struble, Stuart, Suit, Sumner, Sweet, Torbet, Watson, Wells, Wilson, and Mr. Speaker—59.

So the vote was not reconsidered.

On motion by Mr. Reynolds,

The vote on yesterday, ordering House bill No. 199—a bill providing for the election and qualification of justices of the peace, &c.—to be engrossed, was reconsidered.

Mr. Gibson submitted the following amendment:

Amend the 29th section by adding thereto the words “and of all accrued costs and the cost of such change if taken by a plaintiff.”

Which was agreed to.

On motion by Mr. Behm,

The 12th section of the bill was amended by striking out the “circuit court, and insert the “court of common pleas.”

On motion by Mr. Gibson,

The 64th, 67th, and 68th sections of the bill were amended by striking out the “circuit court” and inserting court of “common pleas,” wherever they occur, in said sections.

Mr. Behm offered the following amendment to section 62 of the bill:

Strike out "three" and insert "two."

Which was agreed to.

On motion by Mr. Shanklin,

To strike out "shall" in the 1st line of the 65th section, and insert "may;"

It was determined in the negative.

Mr Davis of Franklin submitted the following amendment to the 13th section.

By adding after the word township "or in the township where the debt was contracted.

Which was disagreed to.

Mr. Hudson submitted the following:

Amend section 50, so it will read as follows:

Such depositions shall be sent under seal to the justice trying the cause, and may be opened at any time, the parties consenting thereto, or on the day set for trial, on motion of either party.

Which was agreed to.

Mr. Struble offered the following amendments:

Amend section 10, as follows:

By adding as follows: and parties may appear before Justice of the Peace without process and the defendant may confess judgment for any sum not exceeding two hundred dollars.

Amend section 64 by adding, no appeal shall be taken when the case is decided by jury, if the judgment debt is less than fifteen dollars.

Amend section 79 by striking out the words "one hundred and twenty" and insert "sixty."

Mr. Owen called a division of the question.

The question being on the adoption of the first amendment:

Mr. Gibson called a division of the question.

There being two substantive propositions contained in said amendment,

The question being put on the adoption of the first part of the proposition,

It was decided in the negative.

The question being put on the adoption of the second proposition;

The ayes and noes were demanded by Messrs. Gibson and Suit.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Carpenter, Chowning, Cockrum, Crawford, Davis of Franklin, Davis of Sullivan, Donham, Doughty, Eccles, Foster, Graham, Gunn, Hanna, Hart, Hays of White, Helmer, Henry, Hicks, Holladay, Huey, Huffstetter, Humphreys, Lawrence, Leviston, Lindsey of Fayette, Major, Manson, Marrs, Mayfield, McConnell, Miller, Morris, Porter, Ray,

Schoonover, Smith of Marion, Staton, Struble, Sweet, Thompson, Walker, Watson, Williams, Wilson and Withers—52.

Those who voted in the negative were,

Messrs. Cowgill, Crim, Cromwell, Dice, Dobson, Douthit, Gibson, Hay of Clark, Holman, Howell, Hudson, Hunt, Kent, Laverty, Lewis, Litchfield, McAllister, McDowell, Nelson, Owen, Reynolds, Scudder, Shanklin, Smith of Spencer, Stanfield, Stover, Stuart, Suit, Sumner, Torbet, Wells and Mr. Speaker—32.

So the 2nd proposition was agreed to.

The question being put on the adoption of the 2nd amendment,

The ayes and noes were demanded by Messrs. Lindsay of Howard and Gibson.

Those who voted in the affirmative were,

Messrs. Beeson, Davis of Sullivan, Doughty, Graham, Hanna, Holladay, Lawrence, Lewis, Major, Morris, Nelson, Struble, Thompson and Watson—14.

Those who voted in the negative were,

Messrs. Beach, Beane, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Dice, Dobson, Donham, Douthit, Eccles, Foster, Gibson, Gunn, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holman, Howell, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, Laverty, Leviston, Lindsey of Fayette, Lindsay of Howard, Litchfield, Marrs, Mayfield, McAllister, McConnell, Miller, Mudgett, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Stover, Stuart, Suit, Sumner, Sweet, Torbet, Walker, Wells, Williams, Wilson, Withers and Mr. Speaker—70.

So the second amendment was not adopted.

The question being put on the adoption of the third amendment to section 79,

The ayes and noes were demanded by Messrs. Sumner and Davis of Franklin.

Those who voted in the affirmative were,

Messrs. Davis of Franklin, Holman, Lawrence, McDowell, Morris, Ray, and Struble—7.

Those who voted in the negative were,

Messrs. Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis of Sullivan, Dice, Dobson, Donham, Doughty, Douthit, Eccles, Foster, Gibson, Gunn, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Howell, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, Laverty, Leviston, Lewis, Lindsey of Fayette, Linsday of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McConnell, Miller, Mudgett, Nelson, Owen, Porter, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stover, Stuart, Suit, Sumner, Sweet, Thompson, Torbet, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—77.

So the third amendment was disagreed to.

Mr. Hudson submitted the following amendments:

SEC. 51. Strike out "freeholders" and insert "qualified voters."

SEC. 54. In 2d line strike out the word "may" and insert "shall;" and in the 3d line strike out "but such jury shall receive no fees."

SEC. 101. Strike out the word "ten" and insert the word "five." Which were agreed to.

Mr. Cowgill moved to amend the 71st section by striking out "50" and insert "100."

Which was disagreed to.

On motion by Mr. Behm,

The vote just taken was reconsidered.

The question was then put on the adoption of Mr. Cowgill's amendment, and agreed to.

Mr. Doughty submitted the following amendment:

Section 64, line 2, amend by inserting after the word "thereof," "provided said judgment amounts to more than \$20; and when the judgment does not exceed that amount, the parties considering themselves aggrieved may demand a new trial, with the benefit of a jury."

Which was disagreed to.

Mr. Beeson offered the following amendment:

Amend so as to give any justice of the peace the right to call two justices of the peace of the county to his assistance, whenever he wants aid in difficult cases.

Which was disagreed to.

Mr. Holman submitted the following amendment;

Strike out section 10, and insert as follows :

SEC. —. Justices of the peace shall have jurisdiction to try and determine suits founded on contract, or tort, where the debt or damages claimed, or the value of the property sought to be recovered, does not exceed one hundred dollars.

Which was agreed to.

Mr. Holman submitted the following amendment to the 48th section :

SEC. 48. Insert after the word "plaintiff" in the first line, and after the word "defendant," in the second line, "refuse to appear on being personally subpœned," or "being present."

Which was agreed to.

Mr. Reynolds submitted the following amendment to section 1st:

SEC. 1st. Strike out in third line "three," and insert "two."

Which was disagreed to.

Mr. Smith of Spencer offered the following amendment to section 79:

Strike out 120 days, and insert "six months."

Mr. McDowell moved to lay the amendment on the table.

And the question being put,

The ayes and noes were demanded by Messrs. Smith of Spencer and Williams.

Those who voted in the affirmative were,

Messrs. Brady, Bulla, Carpenter, Cockrum, Crim, Cromwell, Davis of Sullivan, Dice, Donham, Eccles, Foster, Gibson, Gunn, Helmer, Henry, Holman, Howell, Huffstetter, Laverty, Lawrence, Leviston, Litchfield, Manson, Mayfield, McConnell, McDowell, Morris, Ray, Schoonover, Stanfield, Stover, Struble, Stuart, and Suit—34.

Those who voted in the negative were,

Messrs. Beach, Beane, Beeson, Behm, Bryant, Chowning, Cowgill, Crawford, Davis of Franklin, Dobson, Doughty, Douthit, Hanna, Hart, Hay of Clark, Hays of White, Hicks, Holladay, Hudson, Huey, Humphreys, Kent, Lindsey of Fayette, Lindsay of Howard, Major, Marrs, McAllister, Miller, Nelson, Owen, Porter, Reynolds, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Sumner, Sweet, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—48.

So the amendment was not laid on the table.

The question then recurred on the adoption of the amendment ;

And being put,

It was agreed to.

Mr. Gibson submitted the following:

Amend the 59th section by adding thereto,

And such judgment shall be void as to such debtor, unless at the time of the rendition thereof, the defendant make affidavit that he justly owes the debt.

Which was agreed to.

Mr. Wells submitted the following amendment:

Amend by striking out from the word "office," in the third line in the fourth section, and add to the fifth section the following:

"Which notice shall authorize the board of judges of such township to hold such election, and make legal return thereof."

Also, strike out the words "further" and "such," in the first line in the fifth section, and insert in the place of "such," "the;" after the word "clerk," insert "of the circuit court."

Mr. Holman moved to amend the amendment by striking out the words "inspector of elections," and insert "clerk."

Which was agreed to.

The question then recurred on the adoption of Mr. Wells's amendment;

And being put,

It was decided in the negative.

Mr. Lindsay of Howard offered the following amendment:

"When the appellant appeared before the justice."

Which was agreed to.

Mr. Smith of Spencer moved to amend the bill as follows:

Strike out all of section "121."

Which was disagreed to.

Mr. Behm moved the following amendment:

Strike out "capias ad satisfaciendum," and insert "a writ to satisfy."

Strike out "capias ad respondendum," and insert "a writ to answer."

Mr. Gibson called the previous question;

Which was not seconded by the House;

And the question being put on the adoption of the amendment,

The ayes and noes were demanded by Messrs. Behm and Davis of Franklin.

Those who voted in the affirmative were,

Messrs. Beane, Beeson, Behm, Bulla, Carpenter, Chowning, Cockrum, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson,

Donham, Doughty, Foster, Gunn, Hanna, Hays of White, Henry, Hicks, Holladay, Howell, Huey, Huffstetter, Humphreys, Hunt, Lawrence, Lindsey of Fayette, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, Miller, Morris, Nelson, Smith of Spencer, Struble, Thompson, Walker, Watson, Wells, Williams, Withers, and Mr. Speaker—46.

Those who voted in the negative were,

Messrs. Beach, Brady, Bryant, Buskirk, Cowgill, Crim, Douthit, Eccles, Gibson, Hart, Hay of Clark, Helmer, Holman, Kent, Lavery, Leviston, Lewis, Lindsay of Howard, McConnell, McDowell, Owen, Porter, Ray, Reynolds, Schoonover, Shanklin, Smith of Marion, Stanfield, Staton, Stover, Stuart, Suit, Sumner, Sweet, Torbet, and Wilson—36.

So the amendment was adopted.

On motion by Mr. Foster,

The vote just taken was reconsidered.

On motion by Mr. Gibson,

The amendment was laid on the table.

The bill was then ordered to be engrossed.

On motion by Mr. Owen,

House bill No. 45. A bill to prohibit negroes and mulattoes from coming into the State of Indiana, and for the registering of such as are entitled to reside therein, &c.;

Was taken from the table.

Mr. Helmer offered the following amendment:

SEC. 8. Any negro or mulatto who shall have come into this State subsequent to the first day of November, 1851, or who may hereafter come into the State, and shall remain therein for a longer period than ten days, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in the sum of one hundred dollars, and in default of the payment of such fine, such negro or mulatto shall be bound to service to such person as will pay said fine, for the shortest term of time; which fine, when so paid, shall be placed to the credit of such negro or mulatto, to be applied to the purposes of colonizing him or her at the earliest practicable day after the expiration of said term of service: *provided*, he or she consent thereto, if not, then such fine is to be disposed of as other fines for violation of this act.

On motion by Mr. Hudson,

The bill and pending amendment were laid on the table.

On motion by Mr. Williams,

Leave of absence was granted Mr. Graham on account of sickness.

On motion by Mr. Buskirk,

The following message from the Senate was taken up and considered:

A message from the Senate by Mr. Dunn their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate insist upon their disagreement to engrossed amendments of the House to engrossed amendments of the Senate to engrossed bill of the House No. 70, entitled "a bill to establish courts of Common Pleas, and have appointed Messrs. Hanna and Milliken a committee of free conference on the part of the Senate to act with a similar committee already appointed upon the part of the House.

On motion by Mr. Buskirk,

That the House insist on its engrossed amendments to the 2nd engrossed amendments of the Senate;

It was decided in the affirmative.

On motion by Mr. Buskirk,

A committee of Free Conference was ordered.

Messrs. Buskirk and Stuart were appointed said committee.

On motion by Mr. Owen,

House bill No. 207. A bill providing for the surrender of the public works;

Was taken up.

Mr. Owen submitted the following amendment to the bill viz:

Strike out of the first section, the words "together with all materials heretofore prepared for the construction or repair of the same."

Strike out of the third section, the words "and materials," and also all the words in the same section after the word "surrendered,"

Add the following sections:

SEC. 5. All materials on or near said public works, and which may have been heretofore prepared for the construction or repair of the same, shall on or before the first day of October next be put up at public auction, after due publication of sale by the auditor of State, in convenient lots, and sold to the highest bidder, and the proceeds of such sale shall be paid by such Auditor into the State Treasury.

SEC. 6. So much of the National Road, within this State, heretofore ceded to this State, by the United States, as has not been granted to any company, together with all materials in or near the same, and now the property of the State, shall on or before the first day of October next, be put up at public auction, after due notice of

sale, by the Auditor of State, in convenient lots, and sold to the highest bidder, and the proceeds of such sale shall be paid into the State Treasury.

Which was agreed to.

The bill was ordered to be engrossed.

On motion by Mr. Owen,

The bill was considered as engrossed, and read a third time.

Mr. Smith of Spencer moved to recommit with instruction, that all the public work belonging to the State, and not surrendered to any company or county, shall be sold under direction of the Auditor of State.

And the question being put,

The ayes and noes were demanded by Messrs. Smith of Spencer and Sumner.

Those who voted in the affirmative were,

Messrs. Beeson, Behm, Bulla, Carpenter, Cowgill, Crawford, Cromwell, Davis of Franklin, Gunn, Hart, Hay of Clark, Hicks, Holladay, Holman, Huey, Leviston, Major, Reynolds, Scudder, Smith of Spencer, Suit, Sumner, Thompson, Torbet, Walker, Wells, Williams, Wilson, Withers, and Mr. Speaker—30.

Those who voted in the negative were,

Messrs. Beach, Beane, Brady, Bryant, Buskirk, Chowning, Cockrum, Crim, Davis of Sullivan, Dice, Dobson, Donham, Doughty, Douthit, Eccles, Foster, Gibson, Hanna, Helmer, Henry, Howell, Hudson, Huffstetter, Hunt, Kent, Laverty, Lawrence, Lewis, Lindsey of Fayette, Manson, Marrs, Mayfield, McAllister, McDowell, Morris, Mudgett, Nelson, Owen, Porter, Ray, Schoonover, Shanklin, Smith of Marion, Stover, Struble, Sweet, and Watson—47.

So the bill was not so recommitted with the instructions.

On motion by Mr. Holman,

The bill was laid on the table.

No. 216. A bill regarding inspectors of salt, beef, pork, flour, tobacco and hay;

Was read a third time.

On motion by Mr. Williams,

By unanimous consent of the House,

The bill was amended by striking out "middling," and inserting "coarse flour."

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beane, Beeson, Brady, Bryant, Bulla, Buskirk, Chowning, Crawford, Crim, Davis of Sullivan, Dice, Donham, Doughty, Douthit, Eccles, Foster, Gunn, Hanna, Hay of Clark, Helmer, Henry, Hicks, Holladay, Howell, Huey, Huffstetter, Hunt, Lawrence, Leviston, Lewis, Lindsey of Fayette, Litchfield, Manson, Mayfield, McAllister, McConnell, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Scudder, Smith of Marion, Stanfield, Stover, Struble, Stuart, Suit, Sumner, Sweet, Walker, Wells, Wilson and Mr. Speaker—58.

Those who voted in the negative were,

Messrs. Behm, Carpenter, Cockrum, Cowgill, Cromwell, Davis of Franklin, Hart, Hays of White, Holman, Hudson, Kent, Lavery, Lindsay of Howard, Marrs, Shanklin, Smith of Spencer, Watson, Williams, and Withers—19.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

On motion by Mr. Behm,
The House adjourned.

2 o'clock, P. M.

The House met.

ORDERS OF THE DAY RESUMED.

House Bills on third Reading.

No. 219. A bill touching easements;

Was read a third time.

The question being, Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Behm, Brady, Bryant, Carpenter, Chowning, Crawford, Crim, Davis of Franklin, Dice, Donham, Douthit, Eccles, Gibson, Gunn, Hanna, Hay of Clark, Henry, Hicks,

Holladay, Holman, Hudson, Huey, Humphreys, Hunt, Kent, Laverty, Leviston, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Marrs, Mayfield, McAllister, McConnell, McDowell, Miller, Morris, Nelson, Owen, Porter, Ray, Smith of Marion, Stanfield, Stevens, Stover, Struble, Stuart, Suit, Sweet, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers and Mr. Speaker—62.

Those who voted in the negative were,

Messrs. Buskirk, Cockrum, Cromwell, Dobson, Hart, Helmer, Shanklin and Staton—8.

So the bill passed.

Mr. Behm moved to amend the title of the bill by striking out the word "touching" and insert "relative."

Which was disagreed to.

Ordered that the Clerk inform the Senate of the passage of the bill.

No. 220. A bill for the encouragement of fire companies.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beeson, Behm, Brady, Bryant, Buskirk, Chowning, Cockrum, Cowgill, Crim, Dice, Donham, Douthit, Hanna, Hay of Clark, Helmer, Henry, Holladay, Holman, Howell, Hudson, Huey, Hunt, Kent, Leviston, Lindsay of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McConnell, McDowell, Morris, Nelson, Owen, Porter, Ray, Shanklin, Smith of Marion, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Sumner, Thompson, Torbet, Watson, Wells, Williams, Wilson, Withers and Mr. Speaker—55.

Those who voted in the negative were,

Messrs. Beane, Bulla, Carpenter, Cromwell, Davis of Franklin, Dobson, Doughty, Eccles, Foster, Gibson, Gunn, Hart, Hicks, Hufferstetter, Humphreys, Laverty, Lindsey of Fayette, Miller, and Sweet—20.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

No. 221. A bill concerning county prisons;

Was read a third time.

On motion by Mr. Holman,
The bill was laid on the table.

No. 223. A bill concerning trusts and powers;
Was read a third time.
Mr. Beach moved to lay the bill on the table and print;
Which was disagreed to.

On motion by Mr. Beach,
The bill was then laid on the table.

No. 226. A bill in relation to special elections.
Was read a third time.
The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Brady, Bryant, Bulla, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donham, Douthit, Eccles, Foster, Gibson, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Howell, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, Laverty, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McConnell, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers and Mr. Speaker—80.

Those who voted in the negative were,

Messrs. Behm and Donaldson—2.

So the bill passed.
Ordered, that the Clerk inform the Senate thereof.
On motion by Mr. Owen,

House bill No. 45, A bill prohibiting negroes and mulattoes from coming into the State of Indiana, and for registering such as are entitled to reside therein, &c.,

Was taken from the table.

Mr. Helmer withdrew his amendment.

The question being on the adoption of the amendment reported by the committee on the 20th of April,

Mr. Davis of Sullivan, moved to amend the amendment as follows:
Insert after the words "fifty-one," in the 4th line, these words:

"Knowing such negro or mulatto to be within this State contrary to the provisions of the 13th article of the Constitution," or &c.

And the question being put on its adoption;

The ayes and noes were demanded by Messrs. Lindsay of Howard and Davis of Sullivan.

Those who voted in the affirmative were,

Messrs. Beane, Brady, Bulla, Carpenter, Cowgill, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Doughty, Douthit, Graham, Henry, Holladay, Humphreys, Hunt, Leviston, Lindsay of Howard, Litchfield, Mayfield, Morris, Mudget, Nelson, Ray, Stanfield, Staton, Stevens, Struble, Suit, Sumner, Sweet, Watson, and Mr. Speaker—34.

Those who voted in the negative were,

Messrs. Beach, Beeson, Bryant, Chowning, Crawford, Dobson, Donham, Eccles, Foster, Gibson, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Hicks, Holman, Howell, Hudson, Huey, Huffstetter, Kent, Laverty, Lewis, Lindsey of Fayette, Major, Manson, Marrs, McAllister, McDowell, Miller, Owen, Porter, Reynolds, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stover, Stuart, Thompson, Torbet, Walker, Wells, Williams, Wilson, and Withers—47.

So the amendment to the amendment was not adopted.

Mr. Davis of Sullivan moved to amend the 7th section of the bill as follows:

Provided, That in no case shall the execution defendant be imprisoned for failure to replevy any fine imposed by this section.

And the question being put upon its adoption,

The ayes and noes were demanded by Messrs. Davis of Sullivan and Torbet.

Those who voted in the affirmative were,

Messrs. Beane, Brady, Bulla, Carpenter, Cockrum, Cowgill, Crim, Cromwell, Davis of Sullivan, Dice, Donham, Doughty, Douthit, Gunn, Hanna, Henry, Hicks, Holladay, Huey, Hunt, Laverty, Leviston, Lindsay of Howard, Litchfield, Marrs, Mayfield, Morris, Mudget, Ray, Smith of Marion, Smith of Spencer, Stanfield, Staton, Struble, Suit, Sumner, Walker, Watson, Williams, Wilson, and Mr. Speaker—41.

Those who voted in the negative were,

Messrs. Beach, Beeson, Behm, Bryant, Buskirk, Chowning, Crawford, Davis of Franklin, Dobson, Eccles, Foster, Gibson, Hart, Hay of Clark, Hays of White, Helmer, Holman, Hudson, Huffstetter,

Humphreys, Kent, Lewis, Lindsey of Fayette, Major, Manson, McAllister, McConnell, McDowell, Miller, Nelson, Owen, Porter, Reynolds, Scudder, Shanklin, Stover, Stuart, Sweet, Thompson, Torbet, Wells and Withers—42.

So the amendment was not adopted.

Mr. Douthit submitted the following amendment to the amendment:

After the word "mulatto," where it first occurs insert the words "knowing such negro or mulatto to have come," and strike out the word "coming."

And the question being put on its adoption,

It was disagreed to.

The question then recurred on the adoption of the amendment of the committee;

And being put,

The ayes and noes were demanded by Messrs. Linsday of Howard and Gunn.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Behm, Brady, Bryant, Buskirk, Carpenter, Chowning, Crawford, Crim, Cromwell, Davis of Sullivan, Dice, Dobson, Donham, Doughty, Eccles, Foster, Gibson, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Hicks, Holladay, Holman, Howell, Hudson, Huffstetter, Humphreys, Hunt, Kent, Lavery, Leviston, Lewis, Lindsey of Fayette, Major, Manson, Marrs, Mayfield, McAllister, McConnell, McDowell, Miller, Morris, Mudgett, Nelson, Owen, Porter, Ray, Reynolds, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stover, Struble, Stuart, Sweet, Thompson, Walker, Wells, Williams, Wilson and Mr. Speaker—67.

Those who voted in the negative were,

Messrs. Bulla, Cockrum, Cowgill, Davis of Franklin, Douthit, Gunn, Henry, Linsday of Howard, Litchfield, Stanfield, Suit, Sumner, Watson and Withers—14.

So the amendment was adopted.

On motion by Mr. Owen,

The last two lines of the 6th section were stricken out.

The bill was then ordered to be engrossed.

No. 227. A bill touching vacancies in office, and filling the same by appointment,

Was read a third time.

On motion by Mr. Stover,

The bill was laid on the table.

House bill No. 253. A bill concerning saline lands,

Was read a second time and considered as in Committee of the Whole, and reported back to the House without amendment.

On motion by Mr. Holman,

The bill was amended by striking out "University," and insert "seminary."

The bill was then ordered to be engrossed.

No. 254. A bill fixing the per diem and mileage of members of the General Assembly,

Was read a second time and considered as in Committee of the Whole, and reported to the House without amendment.

Mr. Douthit moved to amend the bill by striking out the word "usually" and insert the word "direct."

Mr. Lewis moved to lay the amendment on the table ;

And the question being put,

The ayes and noes were demanded by Messrs. Lewis and McDowell.

Those who voted in the affirmative were,

Messrs. Beane, Beeson, Behm, Crawford, Crim, Davis of Sullivan, Dice, Gibson, Hay of Clark, Henry, Holman, Hudson, Hunt, Kent, Lewis, Litchfield, Marrs, McConnell, McDowell, Morris, Mudgett, Nelson, Owen, Ray, Suit, and Sweet—26.

Those who voted in the negative were,

Messrs. Beach, Brady, Bryant, Bulla, Chowning, Cockrum, Cowgill, Cromwell, Davis of Franklin, Donham, Doughty, Douthit, Eccles, Foster, Gunn, Hanna, Hart, Helmer, Hicks, Holladay, Howell, Huey, Huffstetter, Humphreys, Lavery, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Manson, Mayfield, McAllister, Miller, Porter, Reynolds, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stevens, Stover, Struble, Sumner, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—53.

So the amendment was not laid on the table.

The question then recurred on the adoption of Mr. Douthit's amendment ;

And being put,

The ayes and noes were demanded by Messrs. Douthit and Hay of Clark.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Behm, Brady, Bryant, Bulla, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donham, Doughty, Douthit, Eccles, Foster, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Howell, Huffstetter, Humphreys, Hunt, Kent, Laverty, Leviston, Lewis, Lindsey of Fayette, Linsday of Howard, Litchfield, Marrs, Mayfield, McAllister, McConnell, McDowell, Morris, Nelson, Owen, Porter, Reynolds, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Suit, Sumner, Sweet, Thompson, Torbet, Walker, Watson, Wells, Williams, and Mr. Speaker—70.

Those who voted in the negative were,

Messrs. Beeson, Crim, Geddes, Hudson, Major, Manson, Miller, Mudget, Ray, Wilson, and Withers—11.

So the amendment was adopted.

Mr. Douthit moved to amend the bill by striking out the word "traveled."

Mr. Williams moved to amend the amendment as follows:

By inserting in the amendment "by land," after the word "route."

Which was disagreed to.

Mr. Davis of Sullivan moved to amend the amendment by inserting at the proper place, "mail route."

And the question being put on its adoption,

The ayes and noes we demanded by Messrs. Wilson and Withers.

Those who voted in the affirmative were,

Messrs. Beeson, Behm, Brady, Chowning, Cockrum, Cowgill, Crawford, Crim, Davis of Franklin, Davis of Sullivan, Dobson, Donham, Hanna, Hay of Clark, Henry, Holladay, Holman, Humphreys, Kent, Laverty, Lewis, Major, McDowell, Nelson, Owen, Porter, Smith of Spencer, Stevens, Suit, Williams, Wilson, Withers, and Mr. Speaker—33.

Those who voted in the negative were,

Messrs. Beach, Beane, Bryant, Bulla, Cromwell, Dice, Doughty, Douthit, Eccles, Foster, Gibson, Gunn, Hart, Helmer, Hicks, Howell, Hudson, Huey, Huffstetter, Hunt, Leviston, Lindsey of Fayette, Linsday of Howard, Litchfield, Manson, Marrs, Mayfield, McAllister, McConnell, Miller, Morris, Mudget, Ray, Reynolds, Scudder,

Shanklin, Smith of Marion, Staton, Struble, Sweet, Thompson, Torbet, Walker, Watson and Wells—45.

So the amendment to the amendment was not adopted.

Mr. Doughty submitted the following amendment to the amendment:

After the word "route" insert "that can be traveled."

On motion by Mr. Reynolds,

The amendment to the amendment was laid on the table.

Mr. Smith of Spencer moved the House adjourn;

Which was disagreed to.

The question then being put on the adoption of Mr. Douthit's amendment,

The ayes and noes were demanded by Messrs. Douthit and Manson.

Those who voted in the affirmative were,

Messrs. Beane, Behm, Bryant, Bulla, Dice, Douthit, Foster, Hays of White, Helmer, Hicks, Holladay, Hudson, Huey, Lindsay of Howard, Major, Manson, Mayfield, Miller, Morris, Reynolds, Scudder, Shanklin, Smith of Marion, Stanfield, Staton, Stevens, Struble, Sumner, Thompson, Walker, Watson, Wells and Williams—34.

Those who voted in the negative were,

Messrs. Beach, Beeson, Brady, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dobson, Donham, Doughty, Eccles, Gibson, Gunn, Hanna, Hart, Hay of Clark, Henry, Holman, Howell, Huffstetter, Humphreys, Hunt, Kent, Laverty, Leviston, Lewis, Lindsey of Fayette, Litchfield, Marrs, McAllister, McConnell, McDowell, Mudget, Nelson, Owen, Porter, Ray, Smith of Spencer, Stover, Suit, Torbet, Withers and Mr. Speaker—47.

So the amendment was not adopted.

The bill was then ordered to be engrossed.

Mr. Behm moved the House adjourn;

Which was disagreed to.

House bill No. 255. A bill prescribing the duties of Treasurer of State;

Was read a second time, and considered as in committee of the whole, and reported to the House without amendment.

Ordered that the bill be engrossed.

Senate bill No. 126. A bill to authorize the formation of voluntary associations;

Was read a second time, and considered as in committee of the whole, and reported to the House without amendment.

The bill was then ordered to a third reading.

Senate bill No. 127. A bill for the establishment and regulation of county libraries;

Was read a second time, and considered as in committee of the whole, and reported to the House without amendment.

Mr. Withers moved to lay the bill on the table;

Which motion did not prevail.

Mr. Holman submitted the following amendment:

Amend section 1st: "to be applied to the purpose of district school libraries in the several townships of the county."

Mr. McDowell moved to lay the amendment on the table;

Which was disagreed to.

Mr. Behm moved the House adjourn.

Which motion did not prevail.

On motion by Mr. Withers,

The bill and pending amendment were laid on the table.

A message from the Senate by Mr. Dunn their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate insist upon their 4th, 15th and 18th engrossed amendments of the Senate to engrossed bill of the House No. 70, entitled "A bill to establish courts of common pleas, and defining the jurisdiction and duties and providing compensation for the judges thereof," and refuse to concur in the engrossed amendments of the House to the 2d engrossed amendment of the Senate thereto, and insist upon the same.

Mr. Smith of Marion, chairman of the committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The committee on Enrolled Bills have compared the following enrolled with the engrossed bills of House of the corresponding numbers, and find them correctly enrolled:

No. 194. An act concerning real property, and the alienation thereof.

No. 198. An act concerning the accumulation, suspension of ownership, and joint tenancy of personal property.

No. 212. An act regulating prosecutions in cases of bastardy, and providing for the support of illegitimate children.

No. 27. An act for the more uniform mode of doing township business.

Whereupon the Speaker signed the same.

Ordered that the clerk inform the Senate thereof.

Mr. Laverty, from the joint committee on Enrolled Bills, made the following report:

Mr. SPEAKER:

The joint committee on Enrolled Bills have this day presented to the Governor, for his approval, enrolled bills of the House numbered 27, 194, 198 and 212.

Mr. Laverty, from the joint committee on Enrolled Bills, made the following report:

Mr. SPEAKER:

The joint committee on Enrolled Bills have this day presented to his Excellency, the Governor, for his approval, enrolled bill of the House numbered 3.

A message from the Governor, by Mr. King, executive messenger:

Mr. SPEAKER:

I am directed by the Governor to inform the House of Representatives that he has approved and signed the following bills, to-wit:

No. 3. An act to regulate the mode of proceeding against canal companies for failing to construct, build, rebuild, repair or supply bridges at such places across such canal as said canal crosses any State or county road, or street of a town.

No. 198. An act concerning the accumulation, suspension of ownership, and joint tenancy of personal property.

No. 27. An act for the more uniform mode of doing township business.

No. 212. An act regulating prosecutions in cases of bastardy, and providing for the support of illegitimate children.

No. 194. An act concerning real property and the alienation thereof.

Which bills originated in the House of Representatives.

On motion by Mr. Gunn,
The House adjourned.

FRIDAY MORNING, 8 o'clock, }
May 7th, 1852. }

The House met.

The Journal being partly read,

On motion by Mr. Hanna,

The further reading of the same was dispensed with.

PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Morris:

A memorial from sundry citizens of Henry county, praying the passage of a law similar to the Maine law;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Porter:

A memorial from sundry citizens of Switzerland county, praying the passage of a law similar to the Maine law;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Crawford:

A petition from sundry citizens of Adams County, praying the repeal of the law causing located merchants to pay a yearly license for retailing merchandise.

Which,

On motion,

Was referred to the committee on Ways and Means.

By Mr. Thompson:

The petition of sundry citizens of Delaware county, praying the passage of a law changing the boundaries of a school district in said county.

Which,

On motion,

Was referred to the committee on Education.

REPORTS FROM COMMITTEES.

Mr. Donaldson chairman of the committee on Elections made the following report:

MR. SPEAKER:

The committee on Elections to whom was referred the credentials of the Hon. Thomas C. W. Sale who was elected a Representative from the county of Vermillion, to fill the vacancy occasioned by the death of the Hon. Henry Hostetter, and the credentials of the Hon. Geo. S. Howell, who was elected a Representative from the county of Blackford, to fill the vacancy occasioned by the death of the Hon. Joseph W. Holliday; would respectfully report that they have had them under consideration, and find the persons named in said certificates duly elected and entitled to seats in this body and ask to be discharged from the further consideration of the subject.

Mr. Beach from the Judiciary committee made the following report:

MR. SPEAKER:

The Judiciary committee to whom was referred House bill No. 218, entitled "an act to regulate Electric Telegraph companies," with the pending amendments thereto, have had the same under consideration, and have directed me to report the bill back with the following amendment, and when so amended recommend its passage:

Amend by adding the following section:

SEC. —. Contracts made by telegraph, between two or more persons, shall be considered as contracts in writing;

Which amendment was concurred in.

Ordered, that this bill be engrossed.

On motion by Mr. Beach,

The bill was considered as engrossed and read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Chowning, Cockrui, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Gibson, Graham, Gunn, Hanna, Hart, Hay of Clark, Helmer, Henry, Hicks, Holladay, Holman, Howell, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, Laverty, Lawrence, Leviston, Lewis, Lindsey of Fayette, Linsday of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McConnell, McDowell, Miller, Morris, Nelson, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Stevens, Stover, Struble, Stuart, Sumner, Sweet, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers and Mr. Speaker—82.

No person voted in the negative.

Ordered that the clerk inform the Senate thereof.

By unanimous consent of the House,

Mr. Hay of Clark obtained leave and introduced,

No. 265. A bill prescribing the powers and duties of coroners.
Which was read a first time and passed to a second reading.

On motion by Mr. Dobson,

House bill No. 191. A bill to amend the third section of an act entitled an act to incorporate the White River Navigation Company, approved February 13, 1851, and to extend the rights and privileges of said company;

Was taken from the table and referred to a select committee of three.

Messrs. Dobson, Scudder and Humphreys were appointed said committee.

ORDERS OF THE DAY.

Senate Bills on Second reading.

No. 128. A bill providing for the election and prescribing certain duties of the clerk of the supreme court;

Was read a second time and considered as in committee of the whole, and reported to the House without amendment.

The bill was ordered to a third reading.

No. 130. A bill providing for the appointment and prescribing the duties and liabilities of deputies of certain officers;

Was read a second time and considered as in committee of the whole, and reported to the House without amendment.

The bill was ordered to a third reading.

No. 131. A bill touching townships and the boundaries thereof;

Was read a second time and considered as in committee of the whole, and reported to the House without amendment.

The bill was ordered to a third reading.

No. 132. A bill prescribing the manner of compelling officers to give new bonds and additional sureties;

Was read a second time and considered as in committee of the whole, and reported to the House without amendment.

The bill was ordered to a third reading.

No. 129. A bill providing for the election and prescribing certain duties of county surveyor;

Was read a second time and considered as in committee of the whole, and reported to the House with the following amendment:

Amend the first section of the bill by striking out all relative to the tenure of office of county surveyor.

Which amendment was concurred in.

On motion by Mr. Miller,

The bill was referred to a select committee of three.

Messrs. Miller, Leviston and Douthit were appointed said committee.

By unanimous consent of the House,

Mr. Stover obtained leave and made the following report:

MR. SPEAKER:

The select committee to whom was referred House bill No. 203, a bill regulating general elections and prescribing the duties of officers in relation thereto, have made the following amendments to said bill, and when adopted recommend its passage:

1st. Strike out section 3, to the word "may," in the 5th line, and insert "The President of the Board of Township Trustees shall, by virtue of his office, be inspector of elections of such township, and the board of county commissioners of the proper county."

2d. Strike out the 7th section.

3d. Strike out the following words: "Administer an oath or affirmation to any witness to testify touching the qualifications of such person, or they may at any time during such investigation," in section 22.

4th. Add to the 4th section the following: "And such inspector shall, previously to the time of opening the election, select two qualified voters of the precinct, who, with himself, shall constitute a board of judges of such election; and such board shall appoint two clerks."

5th. Amend the 6th section as follows: After the word "inspector," in the first line, insert "and judge."

6th. Strike out the word "repeat," in the 14th line of the 27th section, and insert the word "examine."

7th. Strike out the words "such inspector," in the first line of the 11th section, and insert "a majority of such board of judges."

The amendments were considered separately; and the 1st, 2d, 3d, 4th, 5th, 6th and 7th amendments reported by the committee, were adopted, and the report of the committee, as to amendments made under instructions of the House, concurred in.

Mr. Douthit submitted the following amendment to the bill:

Strike out all after the word "box," in the 19th section.

Which was disagreed to.

The bill was ordered to be engrossed.

Mr. Gibson moved that the bill be considered as engrossed, and that it be read a third time now;

Which was agreed to.

On motion by Mr. Brady,

The vote just taken was reconsidered.

Mr. Gibson then withdrew his motion to consider House bill No. 203 as engrossed.

The Speaker laid before the House a communication from John Fitzpatrick, of Wabash county, in relation to allowances of witness fees in a certain case in the Wabash circuit court;

Which,

On motion by Mr. Beane,

Was referred to the committee on Claims.

On motion by Mr. Owen,

In pursuance of previous notice, to add the following additional rule:

"The previous question, moved pending a motion to commit, shall not cut off such motion."

The ayes and noes were demanded by Messrs. Gibson and Stover.

Those who voted in the affirmative were,

Messrs. Beane, Bryant, Buskirk, Chowning, Crawford, Crim, Dobson, Foster, Gibson, Hay of Clark, Helmer, Henry, Hudson, Huey, Kent, Lawrence, Lewis, Manson, Marrs, McDowell, Nelson, Owen, Reynolds, Scudder, Stevens, Stover, Stuart, Suit, Thompson, Torbet, Williams, and Mr. Speaker—32.

Those who voted in the negative were,

Messrs. Beeson, Behm, Brady, Bulla, Cockrum, Cowgill, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Donham, Doughty, Douthit, Eccles, Graham, Gunn, Hanna, Hart, Hays of White, Hicks, Holladay, Holman, Howell, Huffstetter, Humphreys, Hunt, Laverty, Leviston, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, McAllister, McConnell, Miller, Morris, Mudgett, Porter, Ray, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Struble, Sumner, Walker, Watson, Wells, Wilson, and Withers—52.

So the proposed rule was not agreed to.

No. 134. A bill to provide for the appointment of a sheriff of the supreme court, and prescribing certain of his duties and fees;

Was read a second time, and considered as in committee of the Whole, and reported to the House without amendment.

The bill was ordered to a third reading.

On motion by Mr. Stover,

House bill No. 227, A bill touching vacancies in office, and filling the same by appointment;

Was taken from the table,

On motion by Mr. Stover, and,

By unanimous consent of the House,

The bill was amended by substituting the following section instead of section 3:

SEC. 3. In case a vacancy occurs in the office of county commissioners such vacancy may be filled, by an eligible person, to be appointed by the judge of the court of common pleas of such county.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Gibson, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Howell, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, Lavery, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McConnell, McDowell, Miller, Morris, Mudgett, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Suit, Sumner, Sweet, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers and Mr. Speaker—87.

No person voted in the negative.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed bill of the House, No. 59, "a bill to provide for the incorporation of Railroad companies," with the following engrossed amendments thereto.

In which the concurrence of the House is respectfully requested.

The amendments of the Senate were considered separately.

Mr. Nolson moved to concur in the 1st engrossed amendment of the Senate with the following amendment, viz:

Amend the engrossed amendment of the Senate by refusing to concur in striking out "fifty thousand dollars," but concur in the remainder of the amendment by adding "or" before the words "one thousand dollars per mile."

Which was agreed to.

The question being put on concurring in the 2nd amendment of the Senate.

The ayes and noes were demanded by Messrs. Kent and Nelson.

Those who voted in the affirmative were,

Messrs. Beach, Cockrum, Crim, Davis of Sullivan, Donaldson, Douthit, Gibson, Graham, Hart, Hay of Clark, Hays of White, Henry, Holman, Howell, Huffstetter, Humphreys, Kent, Lavery, Lawrence, Lewis, Mayfield, Porter, Ray, Smith of Marion, Stanfield, Staton, Stevens, Stover, Suit, Thompson, Torbet and Williams—32.

Those who voted in the negative were,

Messrs. Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cowgill, Crawford, Cromwell, Davis of Franklin, Dice, Dobson, Donham, Doughty, Eccles, Foster, Gunn, Hanna, Helmer, Hicks, Holladay, Huey, Leviston, Lindsey of Fayette, Lindsey of Howard, Litchfield, Major, Manson, Marrs, McAllister, McConnell, McDowell, Miller, Morris, Mudgett, Nelson, Owen, Reynolds, Schoonover, Scudder, Shanklin, Smith of Spencer, Struble, Stuart, Sumner, Sweet, Walker, Watson, Wells, Wilson, Withers and Mr. Speaker—56.

Mr. Hudson refused to vote.

So the amendment was disagreed to.

The third, fourth and fifth engrossed amendments of the Senate were concurred in.

The question being put on concurring in the 6th engrossed amendment of the Senate.

The ayes and noes were demanded by Messrs. Torbet and Behm.

Those who voted in the affirmative were,

Messrs. Beach, Brady, Buskirk, Carpenter, Cockrum, Davis of Sullivan, Dobson, Doughty, Douthit, Eccles, Foster, Gibson, Graham, Gunn, Hart, Hay of Clark, Holman, Howell, Hudson, Huffstetter, Kent, Lawrence, Lewis, Major, Mayfield, Owen, Porter, Ray, Reynolds, Smith of Marion, Stanfield, Staton, Stevens, Stover, Suit, Torbet, Walker, and Williams—38.

Those who voted in the negative were,

Messrs. Beane, Beeson, Behm, Bryant, Bulla, Chowning, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Dice, Donham, Donaldson, Hanna, Hays of White, Helmer, Henry, Hicks, Holladay, Huey, Humphreys, Hunt, Laverty, Leviston, Lindsey of Fayette, Linsday of Howard, Litchfield, Marrs, McAllister, McConnell, McDowell, Miller, Morris, Mudgett, Nelson, Scudder, Shanklin, Smith of Spencer, Struble Stuart, Sumner, Sweet, Thompson, Watson, Wells, Wilson, Withers and Mr. Speaker—49.

So the amendment was disagreed to.

The seventh, eighth and ninth engrossed amendments of the Senate were concurred in.

On motion by Mr. Nelson,

To concur in the 10th engrossed amendment of the Senate with the following amendment, viz:

Concur in this amendment by adding after the word "State," "where such contract is made."

It was determined in the affirmative.

The 11th engrossed amendment of the Senate was concurred in.

Mr. Bryant moved to concur in the 12th engrossed amendment of the Senate with the following amendment, viz:

Strike out the amendment and insert the following—

No railroad shall be located upon, or across the grounds of the State, occupied by the institutions for the Insane, Blind and Deaf and Dumb;

Which was agreed to.

The 13th engrossed amendment of the Senate was concurred in.

Mr. Stanfield moved to concur in the 14th engrossed amendment of the Senate with the following amendment, viz:

Amend section 36—That the acceptance of any part of this act shall be deemed and taken to be an acceptance of the whole act, and a surrender of the act under which such company may be organized;

Which was agreed to.

Mr. Stanfield moved to concur in the 15th engrossed amendment of the Senate, with the following amendment, viz:

Amend section 37 by inserting after the word "act" in the second line these words: "or any company heretofore incorporated, who shall accept the provisions of this act."

Mr. Nelson moved to amend as follows:

Strike out and insert, "the stockholders shall be individually liable for all labor done in the construction of said roads, that shall remain unpaid after the assets of the corporation shall have been exhausted."

The question being put on Mr. Stanfield's amendment,

It was agreed to.

The question then being put on Mr. Nelson's amendment :
The ayes and noes were demanded by Messrs. Gibson and Kent.

Those who voted in the affirmative were,

Messrs. Beane, Beeson, Bryant, Bulla, Chowning, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Doughty, Eccles, Hanna, Hays of White, Henry, Holladay, Howell, Huey, Lindsay of Howard, Litchfield, McAllister, McConnell, McDowell, Miller, Morris, Mudgett, Nelson, Owen, Porter, Reynolds, Shanklin, Struble, Stuart, Suit, Sumner, Sweet, Wilson, and Withers—43.

Those who voted in the negative were,

Messrs. Beach, Brady, Buskirk, Carpenter, Cockrum, Donaldson, Douthit, Foster, Gibson, Graham, Gunn, Hart, Hay of Clark, Helmer, Hicks, Holman, Hudson, Huffstetter, Humphreys, Hunt, Kent, Laverty, Leviston, Lewis, Major, Manson, Marrs, Mayfield, Ray, Schoonover, Scudder, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Thompson, Torbet, Walker, Watson, Williams, and Mr. Speaker—43.

So the amendment was not agreed to.

Mr. Thompson moved to reconsider the vote just taken.

Mr. Kent moved to lay the motion on the table;

And the question being put,

The ayes and noes were demanded by Messrs. Kent and Gibson.

Those who voted in the affirmative were,

Messrs. Brady, Carpenter, Douthit, Gibson, Gunn, Hart, Hay of Clark, Helmer, Howell, Hudson, Huffstetter, Humphreys, Hunt, Kent, Laverty, Lewis, Marrs, Mayfield, Ray, Schoonover, Smith of Spencer, Smith of Marion, Stanfield, Staton, Stevens, Stover, Suit, and Torbet—28.

Those who voted in the negative were,

Messrs. Beach, Beane, Beeson, Bulla, Buskirk, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donham, Doughty, Eccles, Foster, Graham, Hanna, Hays of White, Henry, Hicks, Holladay, Holman, Huey, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, McAllister, McConnell, McDowell, Mil-

ler, Morris, Mudget, Nelson, Owen, Porter, Reynolds, Scudder, Shanklin, Struble, Stuart, Sumner, Sweet, Thompson, Walker, Watson, Wells, Williams, Wilson, Withers and Mr. Speaker—58.

So the motion was not laid on the table.

The question then recurred on reconsidering the vote by which the amendment proposed by Mr. Nelson was lost;

And being put,

The ayes and noes were demanded by Messrs. Kent and Gibson.

Those who voted in the affirmative were,

Messrs. Beane, Beeson, Bryant, Bulla, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donham, Eccles, Graham, Hanna, Hays of White, Henry, Hicks, Holladay, Huey, Lawrence, Leviston, Lewis, Lindsey of Fayette, Linsday of Howard, Litchfield, Manson, Marrs, McAllister, McConnell, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Reynolds, Scudder, Shanklin, Struble, Stuart, Sumner, Sweet, Thompson, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—54.

Those who voted in the negative were,

Messrs. Brady, Buskirk, Carpenter, Crim, Donaldson, Doughty, Douthit, Foster, Gibson, Gunn, Hart, Hay of Clark, Helmer, Holman, Howell, Hudson, Humphreys, Hunt, Kent, Lavery, Major, Ray, Schoonover, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Suit, and Torbet—31.

So the vote was reconsidered.

The question then recurred on the adoption of Mr. Nelson's amendment.

Mr. Holman moved the House adjourn;

Which was disagreed to.

Mr. Hudson moved the House adjourn;

Which motion did not prevail.

Mr. Gibson moved the House adjourn;

Which was not agreed to.

Mr. Gibson moved the House adjourn;

And the question being put;

The ayes and noes were demanded by ten members.

Those who voted in the affirmative were,

Messrs. Buskirk, Carpenter, Crim, Dobson, Donaldson, Doughty,

Douthit, Eccles, Gibson, Graham, Gunn, Hay of Clark, Hays of White, Helmer, Howell, Hudson, Huffstetter, Humphreys, Hunt, Kent, Laverty, Lewis, Lindsey of Fayette, Manson, Mayfield, McAllister, Owen, Ray, Reynolds, Scudder, Shanklin, Stanfield, Stover, Struble, Suit, Sumner, Torbet, Walker, Watson, Wilson, and Mr. Speaker—41.

Those who voted in the negative were,

Messrs. Beane, Beeson, Brady, Bryant, Bulla, Chowning, Cockrum, Cowgill, Crawford, Davis of Franklin, Dice, Donham, Foster, Hanna, Henry, Hicks, Holladay, Huey, Leviston, Lindsay of Howard, Litchfield, McConnell, McDowell, Miller, Mudgett, Nelson, Porter, Schoonover, Smith of Marion, Sweet, Thompson, Wells, Williams, and Withers—34.

So the House adjourned.

2 o'clock, P. M.

The House met.

The House resumed the consideration of Mr. Nelson's amendment to the 15th engrossed amendment of the Senate to bill of the House No. 59, pending at last adjournment.

And the question being put on its adoption,

The ayes and noes were demanded by Messrs. Nelson and Donaldson.

Those who voted in the affirmative were,

Messrs. Beane, Beeson, Bryant, Chowning, Cowgill, Crawford, Cromwell, Davis of Franklin, Dice, Donham, Eccles, Geddes, Graham, Hanna, Henry, Holladay, Huey, Leviston, Lindsey of Fayette, Lindsay of Howard, Litchfield, Marrs, McAllister, McConnell, Miller, Mudgett, Nelson, Owen, Porter, Reynolds, Shanklin, Struble, Stuart, Sumner, Sweet, Thompson, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—43.

Those who voted in the negative were,

Messrs. Brady, Crim, Donaldson, Douthit, Foster, Gibson, Gunn,

Hart, Hay of Clark, Helmer, Hicks, Holman, Hudson, Huffstetter, Humphreys, Hunt, Kent, Laverty, Lawrence, Major, Manson, Mayfield, Ray, Schoonover, Scudder, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Suit, and Torbet—33.

So the amendment was agreed to.

The question then recurred on concurring in the amendment of the Senate, with the amendment as amended;

And being put,

It was agreed to.

Ordered, that the clerk inform the Senate thereof.

Mr. Owen moved to reconsider the vote by which House bill No. 173, a bill to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, was lost yesterday on the question of its passage;

And the question being put,

The ayes and noes were demanded by Messrs. Kent and Lindsay of Howard.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Bryant, Bulla, Buskirk, Chowning, Cowgill, Crawford, Crim, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Douthit, Eccles, Foster, Geddes, Gibson, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Howell, Huey, Huffstetter, Humphreys, Hunt, Laverty, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Marrs, McAllister, McConnell, Miller, Mudgett, Nelson, Owen, Porter, Ray, Reynolds, Smith of Marion, Smith of Spencer, Staton, Stevens, Struble, Stuart, Sweet, Torbet, Walker, Wells, Williams, Withers, Wilson, and Mr. Speaker—65.

Those who voted in the negative were,

Messrs. Beeson, Cockrum, Cromwell, Doughty, Graham, Gunn, Hudson, Kent, Mayfield, Sale, Scudder, Shanklin, Stanfield, Stover, Suit, Sumner, Thompson, and Watson—18.

So the vote was reconsidered.

Mr. Buskirk moved to commit the bill to a select committee of three with the following instructions:

After the word "navigation" in the 19th line on 17th page, insert the word "telegraph."

Strike out the word "solvent" in the 14th line on page 12.

After the word "listed" in the 21st line on page 25, add the following words—"and if a town lot, the lot or a part of lot."

Strike out the words "other than town property," in the 16th line on page 26.

Add the following additional section :

SEC. —. If any person who has been assessed with personal property out of this State, shall satisfy the auditor of the county where such assessment was made, by his own affidavit and such other evidence as such auditor may require, that he has paid a tax on such property for the current year, in any other State in the Union, such auditor shall release such property from taxation.

Add to the end of the section on page 18, after the word "thereon" in 24th line :

" *Provided*, that nothing herein contained shall be so construed as to authorize any county auditor to assess a tax for county and road purposes upon the capital stock of the Wabash and Erie Canal."

Mr. Manson moved to amend the instructions as follows :

To so amend the bill, that corporation stock of residents of the State shall be listed in the name of the owner thereof and not in the name of the company.

Mr. Hicks submitted the following amendment to the amendment :

So change the bill that each person may deduct the amount of indebtedness owing to persons residing in this State or any fund of this State, under oath, from his assessment.

On motion by Mr. Buskirk,

A call of the House was ordered.

The clerk proceeded with the call when the following members answered to their names :

Messrs. Beach, Beane, Bryant, Bulla, Buskirk, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Howell, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, Lavery, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McConnell, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers and Mr. Speaker—86.

On motion by Mr. Buskirk,

A further call of the House was suspended.

On motion by Mr. Douthit,

Mr. Lewis obtained leave of absence on account of sickness.

On motion by Mr. Gunn,

Mr. Beeson obtained leave of absence on the account of the sickness of his family.

The question then recurred on the adoption of Mr. Hicks's amendment to the amendment of Mr. Manson ;

And being put ;

The ayes and noes were demanded by Messrs. Hicks and Douthit.

Those who voted in the affirmative were,

Messrs. Beeson, Bulla, Cockrum, Crim, Cromwell, Davis of Franklin, Dice, Dobson, Donham, Doughty, Foster, Geddes, Gibson, Graham, Gunn, Hart, Hay of Clark, Hicks, Holladay, Holman, Huey, Humphreys, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Marrs, Mayfield, McAllister, Morris, Shanklin, Smith of Spencer, Stanfield, Stevens, Suit, Sumner, Thompson, Walker, and Watson—39.

Those who voted in the negative were,

Messrs. Beach, Beane, Bryant, Buskirk, Chowning, Cowgill, Crawford, Donaldson, Douthit, Eccles, Hanna, Hays of White, Helmer, Henry, Howell, Hudson, Hunt, Kent, Laverty, Litchfield, Major, Manson, McConnell, McDowell, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Sale, Schoonover, Scudder, Smith of Marion, Staton, Stover, Struble, Stuart, Sweet, Torbet, Wells, Williams, Wilson, and Mr. Speaker—45.

So the amendment to the amendmet was not adopted.

Mr. Hudson moved to amend the amendment as follows, viz :

Amend so as to read "stock in rail roads shall be taxed in the county where such stock is owned."

And the question being put on its adoption,

The ayes and noes were demanded by Messrs. Manson and Hudson.

Those who voted in the affirmative were,

Messrs. Bryant, Bulla, Dobson, Doughty, Foster, Geddes, Graham, Gunn, Hay of Clark, Holladay, Holman, Hudson, Kent, Laverty, Lawrence, Lindsay of Howard, Manson, Marrs, Mayfield, Nelson, Owen, Sale, Shanklin, Smith of Spencer, Stevens, Stover, and Thompson—27.

Those who voted in the negative were,

Messrs. Beach, Beane, Beeson, Buskirk, Chowning, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Douthit, Eccles, Hanna, Hart, Hays of White, Helmer, Henry, Hicks, Howell, Huey, Huffstetter, Humphreys, Hunt, Leviston, Lindsey of Fayette, Litchfield, Major, McAllister, McConnell, McDowell, Miller, Morris, Mudget, Porter, Ray, Reynolds, Schoonover, Scudder, Smith of Marion, Stanfield, Staton, Struble, Stuart, Suit, Sweet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—56.

So the amendment to the amendment was disagreed to.

The question then recurred on the adoption of Mr. Manson's amendment to the instructions,

And being put,

The ayes and noes were demanded by Messrs. Manson and Doughty.

Those who voted in the affirmative were,

Messrs. Bryant, Bulla, Cromwell, Dobson, Doughty, Geddes, Graham, Gunn, Hay of Clark, Holladay, Holman, Hudson, Kent, Laverty, Lawrence, Lindsay of Howard, Manson, Marrs, Mayfield, Nelson, Owen, Shanklin, Smith of Spencer, Stevens, Thompson, and Torbet—26.

Those who voted in the negative were,

Messrs. Beach, Beane, Beeson, Buskirk, Chowning, Cockrum, Cowgill, Crawford, Crim, Davis of Franklin, Davis of Sullivan, Dice, Donham, Douthit, Eccles, Hanna, Hart, Hays of White, Helmer, Henry, Hicks, Howell, Huey, Huffstetter, Humphreys, Hunt, Leviston, Lindsey of Fayette, Litchfield, Major, McAllister, McConnell, McDowell, Miller, Morris, Mudget, Porter, Ray, Reynolds, Sale, Schoonover, Scudder, Smith of Marion, Stanfield, Staton, Stover, Struble, Stuart, Suit, Sumner, Sweet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—58.

So the amendment was disagreed to.

Mr. Gibson submitted the following amendment to the instructions:

Amend so as to provide that a rail road shall not be taxed for county purposes at a higher rate than other property in the same county.

And the question being put on its adoption,

The ayes and noes were demanded by Messrs. Kent and Gibson.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Brady, Bryant, Bulla, Buskirk, Chowning, Cockrum, Cowgill, Crawford, Crim, Davis of Franklin, Dice, Donaldson, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gunn, Hanna, Hart, Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Howell, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Marrs, Mayfield, McAllister, McConnell, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—79.

Those who voted in the negative were,

Messrs. Cromwell, Davis of Sullivan, Dobson, Donham, Hay of Clark, Laverty, and Lewis—7.

So the amendment was adopted.

Mr. Suit offered the following amendment to the instructions:

Amend the instructions so as to tax the Wabash and Erie canal for county, as well as State purposes.

Mr. Kent moved to amend the amendment as follows:

And that said tax be distributed, *pro rata*, among all the counties of the State.

And the question being put on its adoption,

The ayes and noes were demanded by Messrs. Kent and Suit.

Those who voted in the affirmative were,

Messrs. Doughty, Hay of Clark, Hays of White, Henry, Holman, Howell, Hunt, Manson, McDowell, Mudget, Sale, Smith of Spencer, Suit, Thompson, Watson, and Williams—16.

Those who voted in the negative were,

Messrs. Beach, Beane, Beeson, Brady, Bryant, Bulla, Buskirk, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Douthit, Eccles, Foster, Geddes, Graham, Gunn, Hanna, Hart, Helmer, Hicks, Holladay, Hudson, Huey, Huffstetter, Humphreys, Kent, Laverty, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Marrs, Mayfield, McAllister, McConnell, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Sweet, Walker, Wells, Wilson, Withers, and Mr. Speaker—68.

So the amendment to the amendment was disagreed to.
 The question then recurred on Mr. Suit's amendment;
 And being put,
 It was disagreed to.

Mr. Kent submitted the following amendment to the instructions:
 Add the following at the close of 9th line, on page 18:
 That taxation shall be imposed upon such stocks as pay cash dividends, making legal interest the basis of such valuation.
 And the question being put on its adoption,
 The ayes and noes were demanded by Messrs. Kent and McDowell.

Those who voted in the affirmative were,

Messrs. Behm, Bryant, Bulla, Cromwell, Davis of Franklin, Dougherty, Graham, Gunn, Hay of Clark, Holladay, Holman, Hudson, Kent, Lawrence, Nelson, Sale, Stanfield, Stevens, Suit, Thompson, and Wells—21.

Those who voted in the negative were,

Messrs. Beach, Beane, Beeson, Brady, Buskirk, Chowning, Cockrum, Crawford, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Douthit, Eccles, Foster, Geddes, Hanna, Hart, Hays of White, Helmer, Henry, Hicks, Howell, Huey, Humphreys, Hunt, Lavery, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Marrs, Mayfield, McAllister, McConnell, McDowell, Morris, Mudget, Owen, Porter, Ray, Reynolds, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stover, Struble, Stuart, Sweet, Walker, Williams, Wilson, Withers, and Mr. Speaker—59.

So the amendment was disagreed to.
 The question then recurred on recommitting the bill, with the instructions of Mr. Buskirk, as amended;
 And being put,
 The ayes and noes were demanded by Messrs. Hicks and Buskirk.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Brady, Bryant, Bulla, Buskirk, Chowning, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Dougherty, Douthit, Eccles, Geddes, Gibson, Hanna, Hart, Hays of White, Henry, Howell, Huey, Huffstetter, Humphreys, Hunt, Lavery, Lawrence, Leviston, Lewis, Lindsey of Fayette, Litchfield, Major, McAllister, McConnell, McDowell, Miller, Morris, Mudget, Nelson, Owen, Por-

ter, Ray, Reynolds, Scudder, Smith of Marion, Smith of Spencer, Staton, Stevens, Stover, Struble, Stuart, Sumner, Sweet, Torbet, Watson, Wells, Wilson, Withers, and Mr. Speaker—66.

Those who voted in the negative were,

Messrs. Behm, Cockrum, Foster, Graham, Gunn, Hay of Clark, Helmer, Hicks, Holladay, Holman, Hudson, Lindsay of Howard, Marrs, Mayfield, Sale, Shanklin, Stanfield, Suit, Thompson, Walker, and Williams—21.

So the bill was so committed with the instructions.

Messrs. Buskirk, Owen and Gibson, were appointed said committee.

Senate bill No. 135. A bill to regulate the toll of grist mills, and prescribing certain duties of millers;

Was read a second time, and considered as in committee of the whole.

Mr. Henry moved to amend the first section of the bill as follows: Strike out the word "Sth," in third line of the first section, and insert the word "10th."

Mr. Williams moved to lay the amendment on the table;

And the question being put,

The ayes and noes were demanded by Messrs. Williams and Henry.

Those who voted in the affirmative were,

Messrs. Beeson, Bryant, Chowning, Cockrum, Cowgill, Crim, Davis of Franklin, Dice, Donaldson, Doughty, Foster, Geddes, Gibson, Graham, Gunn, Hanna, Hart, Hays of White, Helmer, Hicks, Holman, Howell, Hudson, Huey, Humphreys, Kent, Lawrence, Leviston, Lindsey of Fayette, Major, Manson, Mayfield, McAllister, McDowell, Miller, Ray, Reynolds, Sale, Scudder, Shanklin, Smith of Marion, Staton, Stevens, Stover, Struble, Stuart, Sumner, Thompson, Walker, Watson, Wells, Williams, Wilson, and Withers—54.

Those who voted in the negative were,

Messrs. Beach, Beane, Behm, Brady, Bulla, Crawford, Donham, Douthit, Eccles, Hay of Clark, Holladay, Hunt, Laverty, Lewis, Lindsay of Howard, Litchfield, McConnell, Morris, Mudget, Nelson, Porter, Schoonover, Smith of Spencer, Stanfield, Suit, Sweet, and Mr. Speaker—27.

So the amendment was laid on the table.

The bill was then reported to the House without amendment.

On motion by Mr. Gunn,

The 3d section of the bill was amended by adding after the word "when" the word "reasonably."

Mr. Mudget moved to amend the 3d section by adding after the word "owner" the words "or carrier ;"

Which was agreed to.

The bill was then ordered to a third reading, and the amendments ordered to be engrossed.

No. 136. A bill transferring the duties of county agent to county auditor ;

Was read a second time, and considered as in committee of the whole, and reported to the House, without amendment.

The bill was ordered to a third reading.

No. 137. A bill to provide for the appointment and compensation of an attorney for the State in the supreme court ;

Was read a second time, and considered as in committee of the whole, and reported to the House without amendment.

On motion by Mr. Holman,

The bill was laid on the table.

The House proceeded to the consideration of **No. 139**—a bill to provide for the election of county sheriffs, and prescribing some of their duties—as in committee of the whole.

Mr. Behm moved to amend the bill by striking out section 5 ;

Which was disagreed to.

On motion by Mr. Davis of Franklin,

The vote just taken was reconsidered.

On motion by Mr. Stover,

The bill was laid on the table.

Mr. Buskirk obtained leave and made the following report from a select committee :

MR. SPEAKER :

The select committee, to whom was referred House bill **No. 173**, with instructions to make sundry amendments thereto, have directed me to report, that they have amended the same as directed, and report back the same, and when said amendments are adopted, recommend its passage.

Which report was concurred in.

Mr. Struble called the previous question ;

Which was seconded by the House, and the main question ordered.

The main question being shall the bill pass?

The ayes and noes were taken.

The clerk announced the vote—ayes 43, noes 40.

Mr. Suit moved that there be a new count;

Which was disagreed to.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Brady, Buskirk, Chowning, Crawford, Dice, Dobson, Donham, Douthit, Eccles, Hanna, Hart, Hays of White, Henry, Howell, Huey, Huffstetter, Humphreys, Lavery, Litchfield, Major, McAllister, McConnell, Morris, Mudgett, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Smith of Marion, Stover, Struble, Stuart, Sweet, Walker, Wells, Williams, Wilson, Withers, and Mr. Speaker—43.

Those who voted in the negative were,

Messrs. Beeson, Behm, Bryant, Bulla, Cockrum, Cowgill, Cromwell, Davis of Franklin, Donaldson, Foster, Geddes, Graham, Gunn, Hay of Clark, Helmer, Hicks, Holladay, Hudson, Hunt, Kent, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Manson, Marrs, Mayfield, McDowell, Sale, Scudder, Shanklin, Smith of Spencer, Stanfield, Staton, Stevens, Suit, Sumner, Torbet, and Watson—40.

So the bill did not pass.

Mr. Wilson, from the committee on Engrossed bills, made the following report:

MR. SPEAKER:

The committee on Engrossed bills have examined bills of the House Nos. 215, 216, 219, 220, and 226, and find them correctly engrossed.

On motion by Mr. Beach,

The House adjourned.

SATURDAY MORNING, 8 o'clock,
May 8, 1852.

The House met.

The journal was partly read, when,

On motion by Mr. Withers,

The further reading of the journal was dispensed with.

PETITIONS AND MEMORIALS PRESENTED.

By Mr. Buskirk :

A memorial numerously signed by sundry ladies and gentlemen of Monroe county, on the subject of temperance ;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Huffstetter :

Three temperance memorials from the citizens of Orange county, asking a law similar to the Maine liquor law ;

Which,

On motion,

Were referred to the committee on Temperance.

By Mr. Cowgill :

Two memorials from sundry ladies and gentlemen of Wabash county, praying the passage of a law similar to the Maine law ;

Which,

On motion,

Were referred to the committee on Temperance.

REPORTS FROM COMMITTEES.

Mr. Holman, chairman of the Judiciary committee, made the following report :

MR. SPEAKER :

The committee on the Judiciary, to whom was referred House bill No. 217, entitled "an act concerning unlawful detention of lands, and the recovery thereof," have considered the same, and have authorized me to report it back with the following amendment, and when so amended, recommend its passage :

Strike out of said bill section eleven, (11) and insert the following section:

SEC. 11. On the trial of any cause under this act, either before the justice of the peace or on appeal, the damages for the detention of the premises shall be estimated up to the time of such trial, which damages, on appeal by the defendant, shall be deemed as covered by the appeal bond.

The report was concurred in, the amendment adopted, and the bill ordered to be engrossed.

On motion by Mr. Owen,

The bill was considered as engrossed, and read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beane, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Doughty, Douthit, Eccles, Foster, Geddes, Graham, Gunn, Hanna, Hart, Hay of Clark, Helmer, Henry, Hicks, Holladay, Holman, Howell, Hudson, Huey, Huffstetter, Humphreys, Hunt, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Marrs, McAllister, McConnell, McDowell, Miller, Morris, Mudgett, Nelson, Owen, Porter, Ray, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Sumner, Sweet, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—78.

No person voted in the negative.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

By unanimous consent of the House,

Mr. Doughty was permitted to record his vote on the passage of House bill no 173, taken on yesterday. He voted in the negative.

Mr. Buskirk, from a committee on Free Conference, made the following report:

MR. SPEAKER:

The committee of Free Conference, to which was referred the disagreement of the two Houses upon certain amendments to House bill No. 70, have had the same under consideration, and have directed me to make the following report, to-wit:

1st. The Senate agrees to the first amendment of the House to the second engrossed amendment of the Senate.

2d. The House, upon adding the following additional proviso to the 18th amendment of the Senate, agrees thereto, to-wit:

“*And provided, further,* That in districts of more than two counties, said salary shall not exceed more than six hundred dollars, unless the population of such district shall exceed thirty thousand.”

3d. The Senate recedes from the 15th amendment of the Senate.

4th. The House agrees to the fourth amendment of the Senate.

Which report was concurred in.

Ordered that the Clerk inform the Senate thereof.

A message from the Senate by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has receded from its disagreement to first engrossed amendment of the House to the 2d engrossed amendment of the Senate to House bill No. 70, entitled “A bill to establish courts of common pleas, and defining the jurisdiction and duty, and providing compensation for the judges thereof.”

And, also, the Senate recede from their 15th engrossed amendment thereto, and concur in the additional proviso to the 18th engrossed amendment of the Senate thereto.

RESOLUTIONS OF THE HOUSE.

Mr. Torbet submitted the following resolution:

Resolved, That the Senate be requested to send back immediately bill No. 59 of the House, a bill in relation to incorporation of general rail road companies, with amendments thereto.

And the question being put on its adoption,

The ayes and noes were demanded by Messrs. Torbet and Hudson.

Those who voted in the affirmative were,

Messrs. Brady, Bulla, Buskirk, Carpenter, Donaldson, Doughty, Douthit, Eccles, Foster, Gibson, Graham, Gunn, Hart, Hay of Clark, Holman, Howell, Hudson, Humphreys, Hunt, Kent, Leviston, Lindsay of Howard, Major, Mayfield, McAllister, Owen, Porter, Reynolds, Schoonover, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, and Torbet—35.

Those who voted in the negative were,

Messrs. Beane, Behm, Bryant, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Geddes, Hanna, Helmer, Henry, Hicks, Holladay, Huey, Huffstetter, Lawrence, Lindsey of Fayette, Litchfield, Marrs, McConnell, McDowell, Miller, Morris, Mudget, Nelson, Ray, Sale, Scudder, Shanklin, Stover, Struble, Sumner, Sweet, Thompson, Walker, Watson, Williams, Wilson, and Mr. Speaker—45.

So the resolution was not adopted.

On motion by Mr. Stanfield,

Resolved, That Adjutant General, D. Reynolds, be requested to communicate to this House the amount of money, both principal and interest, specifying the amount of each, that he has received as Adjutant General and Attorney for this State, from the Government of the United States, on account of advances made by this State to her troops engaged in the Mexican war.

ORDERS OF THE DAY.

On motion by Mr. Stover,

House bill No. 203. A bill regulating general elections and prescribing the duties of officers in relation thereto;

Was taken from the table.

The bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beane, Behm, Brady, Bryant, Bulla, Carpenter, Chowning, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Doughty, Douthit, Eccles, Foster, Geddes, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Howell, Hudson, Huey, Huffstetter, Hunt, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Marrs, McAllister, Mayfield, McDowell, Miller, Morris, Nelson, Owen, Porter, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stevens, Stover, Struble, Suit, Sumner, Sweet, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers and Mr. Speaker—75.

Those who voted in the negative were,

Messrs. Buskirk, Cockrum, Ray, and Stanfield—4.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

On motion by Mr. McDowell,

House bill No. 195. A bill dividing the State into counties and defining their boundaries;

Was taken from the table and placed on the files of the House.

SENATE BILLS ON SECOND READING.

No. 133. A bill to enable trustees to receive lands and donations and convey the same for the use of schools, churches, religious societies, Masonic and Odd Fellows lodges, Sons and Daughters of temperance, and for the construction of cemeteries, houses of worship and other buildings therein mentioned;

Was read a second time, and considered as in Committee of the Whole, and reported to the House without amendment.

On motion by Mr. Holman,

The bill was referred to a committee of three.

Messrs. Holman, Behm and Ray were appointed said committee.

On motion by Mr. Owen,

House bill No. 207. A bill providing for the surrender of the public works;

Was taken from the table.

The question being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beane, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Crawford, Davis of Sullivan, Dice, Dobson, Donaldson, Doughty, Eccles, Foster, Geddes, Gibson, Hay of Clark, Henry, Hicks, Holladay, Howell, Huffstetter, Kent, Lawrence, Leviston, Lindsey of Fayette, Litchfield, Major, McAllister, McDowell, Miller, Morris, Nelson, Owen, Porter, Shanklin, Smith of Marion, Stover, Sumner, Sweet, Thompson, Wells, and Williams—44.

Those who voted in the negative were,

Messrs. Behm, Cockrum, Cowgill, Crim, Cromwell, Davis of

Franklin, Douthit, Graham, Gunn, Hay of Clark, Helmer, Holman, Hudson, Huey, Humphreys, Hunt, Lindsay of Howard, Major, Marrs, Mayfield, Mudget, Ray, Reynolds, Sale, Smith of Spencer, Stanfield, Staton, Stevens, Struble, Suit, Torbet, Walker, Watson, Wilson, Withers and Mr. Speaker—36.

So the bill did not pass.

On motion by Mr. Stover,

House bill No. 139. A bill to provide for the election of county sheriffs and prescribing some of their duties;

Was taken up.

The House resumed the consideration thereof as in committee of the whole.

The question pending being on the adoption of Mr. Behm's amendment proposed on yesterday.

Mr. Behm then withdrew his amendment and offered the following amendment, viz:

SEC. 5. All allowances made by the board of commissioners of any county, to the sheriff for extra or other services, shall be made upon a written specification of the items, verified by the oath of such sheriff, and certified by the clerk of the circuit court.

Mr. Holman submitted the following amendment to section 5:

Strike out "\$100" and insert "\$33."

And the question being put on its adoption;

The ayes and noes were demanded by Messrs. Holman and Withers.

Those who voted in the affirmative were,

Messrs. Behm, Brady, Bryant, Bulla, Carpenter, Davis of Franklin, Davis of Sullivan, Dice, Donaldson, Doughty, Eccles, Graham, Gunn, Hart, Hicks, Holladay, Holman, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, McAllister, Shanklin, Stanfield, Struble, Wells, Williams, Withers, and Mr. Speaker—30.

Those who voted in the negative were,

Messrs. Beane, Buskirk, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Douthit, Foster, Geddes, Gibson, Hanna, Hay of Clark, Helmer, Henry, Howell, Hudson, Huey, Humphreys, Hunt, Kent, Litchfield, Marrs, Mayfield, McConnell, McDowell, Miller, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Sale, Schoonover, Scudder, Smith of Marion, Smith of Spencer, Staton, Stevens, Stover, Sweet, Torbet, Walker, Watson, and Wilson—47.

So the amendment was disagreed to.

Mr. Donaldson moved to amend the 5th section of the bill, by striking out \$100 and inserting \$60.

On motion by Mr. Behm,

The amendment was laid on the table.

The question then recurred on the adoption of Mr. Behm's proposed amendment;

And being put,

It was agreed to.

The bill was read a second time, and reported to the House with one amendment;

Which amendment was concurred in.

The bill was then ordered to a third reading, and the amendment ordered to be engrossed.

No. 138. A bill providing for the election of clerks of circuit courts, and prescribing some of their duties;

Was read a second time, and considered as in committee of the whole, and reported to the House without amendment.

Mr. Stover moved to amend the 6th section by striking out the words "stationery" and "extra services."

Which was agreed to.

The bill was ordered to a third reading, and the amendment to be engrossed.

HOUSE BILLS ON THEIR THIRD READING.

No. 228. A bill regulating the election and duties of State Librarian;

Was read a third time.

On motion by Mr. Brady,

And by the unanimous consent of the House,

The 4th section of the bill was amended by striking out "during the recess of the Legislature."

Mr. Williams moved to recommit the bill with the following instructions:

Strike out \$400, and insert \$200.

Mr. Holman submitted the following amendment to the instructions:

Amend the bill so that it shall not be the duty of such Librarian to keep the Library open more than on the Saturday of each week, except during the sitting of the General Assembly, and the sessions of the Supreme and Federal Courts, during which sessions, the Li-

brary shall be kept open each day, Sundays excepted, between the hours of 8 o'clock, A. M., and 6 o'clock, P. M.

Mr. Holman moved to lay the bill and pending amendment on the table.

And the question being put,

The ayes and noes were demanded by Messrs. Gibson and Henry.

Those who voted in the affirmative were,

Messrs. Behm, Bulla, Carpenter, Cowgill, Crawford, Cromwell, Dobson, Donaldson, Eccles, Foster, Graham, Gunn, Hart, Hays of White, Henry, Hicks, Holman, Howell, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Marrs, McAllister, McDowell, Miller, Morris, Porter, Struble, Thompson, Walker, Wells, and Williams—33.

Those who voted in the negative were,

Messrs. Beane, Brady, Bryant, Buskirk, Chowning, Cockrum, Crim, Davis of Franklin, Davis of Sullivan, Dice, Doughty, Douthit, Geddes, Gibson, Hanna, Hay of Clark, Helmer, Holladay, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, King, Lawrence, Litchfield, Mayfield, McConnell, Mudget, Nelson, Owen, Ray, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Stevens, Stover, Suit, Sumner, Sweet, Torbet, Watson, Wilson, and Mr. Speaker—50.

So the bill and pending amendment were not laid on the table.

The question then recurred on the adoption of Mr. Holman's amendment to the instructions;

And being put,

The ayes and noes were demanded by Messrs. Holman and Mudget.

Those who voted in the affirmative were,

Messrs. Behm, Bryant, Bulla, Carpenter, Cromwell, Davis of Franklin, Dobson, Doughty, Eccles, Foster, Graham, Gunn, Hay of Clark, Henry, Hicks, Holladay, Holman, King, Lindsey of Fayette, Major, Marrs, Mayfield, McAllister, McDowell, Miller, Morris, Scudder, Thompson, Walker, Williams and Withers—31.

Those who voted in the negative were,

Messrs. Beane, Brady, Buskirk, Chowning, Cowgill, Crawford, Crim, Davis of Sullivan, Dice, Douthit, Geddes, Gibson, Hanna, Hays of White, Helmer, Howell, Hudson, Huey, Huffstetter, Humphreys,

Hunt, Kent, Lawrence, Leviston, Lindsay of Howard, Litchfield, McConnell, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Sale, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Suit, Sweet, Torbet, Watson, Wells, Wilson, and Mr. Speaker—50.

So the amendment was not adopted.

Mr. Brady called the previous question;

Which was not seconded by the House.

The question then recurred on recommitting the bill with the instructions of Mr. Williams;

And being put,

The ayes and noes were demanded by Messrs. Holman and Williams.

Those who voted in the affirmative were,

Messrs. Beane, Bulla, Carpenter, Crawford, Cromwell, Davis of Franklin, Dobson, Doughty, Foster, Graham, Gunn, Hart, Hay of Clark, Hays of White, Henry, Hicks, Holman, Howell, Huey, Leviston, Lindsey of Fayette, Lindsay of Howard, Mayfield, McAllister, McDowell, Morris, Reynolds, Shanklin, Smith of Marion, Struble, Suit, Sumner, Sweet, Thompson, Williams, and Withers—37.

Those who voted in the negative were,

Messrs. Behm, Brady, Bryant, Buskirk, Chowning, Cockrum, Cowgill, Crim, Davis of Sullivan, Dice, Douthit, Eccles, Gibson, Hanna, Helmer, Holladay, Hudson, Huffstetter, Humphreys, Hunt, Kent, King, Litchfield, Major, Marrs, Miller, Mudget, Nelson, Owen, Porter, Ray, Sale, Schoonover, Scudder, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Torbet, Walker, Watson, Wells, Wilson, and Mr. Speaker—45.

So the bill was not recommitted with the instructions.

The question being, Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beane, Behm, Brady, Bryant, Buskirk, Chowning, Cowgill, Crawford, Crim, Davis of Sullivan, Dice, Dobson, Doughty, Douthit, Eccles, Gibson, Gunn, Helmer, Holladay, Howell, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, King, Litchfield, Marrs, Mayfield, McAllister, McConnell, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Sale, Schoonover, Scudder, Smith of Marion, Smith of Spencer, Stanfield, Stevens, Stover, Suit, Sumner, Sweet, Torbet, Walker, Wells, Wilson, and Mr. Speaker—55.

Those who voted in the negative were,

Messrs. Bulla, Carpenter, Cockrum, Cromwell, Davis of Franklin, Foster, Geddes, Graham, Gunn, Hart, Hay of Clark, Hays of White, Henry, Hicks, Holman, Leviston, Lindsey of Fayette, Linsday of Howard, Major, McDowell, Miller, Shanklin, Staton, Struble, Thompson, Watson, Williams, and Withers—28.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

No. 229. A bill concerning the general fund and the expenditures chargeable thereon ;

Was read a third time.

And the question being shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Beane, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Doughty, Eccles, Foster, Geddes, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Howell, Hudson, Huey, Huffstetter, Hunt, Kent, King, Leviston, Lindsey of Fayette, Linsday of Howard, Litchfield, Major, Marrs, Mayfield, McAllister, McConnell, McDowell, Miller, Morris, Mudget, Nelson, Porter, Ray, Reynolds, Sale, Scudder, Smith of Spencer, Staton, Stevens, Stover, Suit, Sumner, Sweet, Torbet, Walker, Watson, Wells, Withers and Mr. Speaker—70.

Those who voted in the negative were,

Messrs. Schoonover, Shanklin, Smith of Marion, Thompson, Williams and Wilson—6.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

No. 233. A bill providing for, and regulating the relation of Master and Apprentice.

Was read a third time.

The question being, shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Beane, Brady, Bryant, Bulla, Buskirk, Carpenter, Chown-

ing, Cockrum, Crawford, Crim, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Doughty, Douthit, Eccles, Foster, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holman, Howell, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, Leviston, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Marrs, Mayfield, McAllister, McConnell, McDowell, Miller, Nelson, Owen, Porter, Ray, Reynolds, Sale, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Stevens, Stover, Struble, Suit, Sweet, Torbet, Walker, Watson, Wilson, Withers and Mr. Speaker—69.

Those who voted in the negative were,

Messrs. Cowgill, Cromwell, Geddes, Holladay, Mudget, Scudder, Thompson, Wells and Williams—9.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

By unanimous consent of the House,

Mr. Buskirk obtained leave and introduced

No. 266. A bill to provide for the assessment and taxation of the stock of Railroad, Plankroad, Turnpike road, Canal, slack water navigation and bridge companies situated in whole or in part in this State.

Which was read a first time and passed to a second reading.

No. 235. A bill concerning the assignment of judgments and decrees;

Was read a third time.

By unanimous consent of the House,

On motion by Mr. Holman,

The words "and an assignment shall not defeat a just claim which such debtor had against such assignor prior to such notice,"

Were struck out from the second section of the bill.

The question then being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beane, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Howell, Huey, Huffstetter, Humphreys, Hunt, King, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Marrs, Mayfield, McAllister, McConnell, McDowell, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Sale, Schoon-

over, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Struble, Suit, Sumner, Sweet, Thompson, Torbet, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—79.

No person voted in the negative.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

SENATE BILLS ON THIRD READING.

No. 117. A bill for the incorporation of manufacturing and mining companies and companies for mechanical, chemical and building purposes;

Was read a third time.

On motion by Mr. King,
The bill was laid on the table.

SECOND READING.

No. 140. A bill providing for the election, prescribing the duties and fixing the compensation of State Agent;

Was read a second time, and considered as in committee of the whole, and reported to the House without amendment.

On motion by Mr. Behm,
The bill was laid on the table.

Mr. Dobson, by unanimous consent of the House, obtained leave and made the following report:

MR. SPEAKER:

The committee on Claims, to whom was referred the claim of A. P. Carrol, for arresting a fugitive from justice, have had the same under consideration, and have directed me to submit the accompanying resolution. The committee would remark that the claim amounts to one hundred and seventeen dollars, but that after a careful examination, they are satisfied that only eighty-six dollars should be allowed.

Resolved, That the committee on Ways and Means be directed to incorporate in the specific appropriation bill an allowance to A. P. Carrol of Howard county, the sum of eighty-six dollars, for arresting a fugitive from justice under a requisition of the Governor.

The question being put on the adoption of the resolution reported by the committee,

The ayes and noes were demanded by Messrs. Humphreys and Donaldson.

Those who voted in the affirmative were,

Messrs. Beane, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crim, Dobson, Doughty, Douthit, Eccles, Geddes, Gibson, Graham, Hay of Clark, Helmer, Henry, Holladay, Hunt, Leviston, Linsday of Howard, Marrs, Mayfield, McAllister, McDowell, Miller, Morris, Mudget, Nelson, Owen, Schoonover, Scudder, Shanklin, Smith of Marion, Struble, and Suit—39.

Those who voted in the negative were,

Messrs. Behm, Crawford, Davis of Franklin, Davis of Sullivan, Dice, Donaldson, Foster, Gunn, Hanna, Hart, Hays of White, Hicks, Holman, Howell, Huey, Huffstetter, Humphreys, Lawrence, Litchfield, Major, McConnell, Porter, Ray, Reynolds, Sale, Smith of Spencer, Stanfield, Staton, Stover, Thompson, Walker, Watson, Williams, Wilson and Mr. Speaker—35.

So the resolution was adopted.

On motion by Mr. Mudget,
The House adjourned.

2 o'clock, P. M.

The House met.

ORDERS OF THE DAY RESUMED.

House Bills on Second Reading.

No. 256. A bill to provide for township elections;

Was read a second time, and considered as in committee of the whole, and reported to the House without amendment.

On motion by Mr. Stover,
The bill was laid on the table.

Senate bill No. 64. A bill authorizing any company heretofore organized under the provisions of any general or special law of this State, for the purpose of constructing a plank, turnpike, gravel, McAdamized or coal road, and prescribing the manner in which said change may be made;

Was read a second time, and considered as in committee of the whole, and reported to the House without amendment.

Mr. Foster moved to lay the bill on the table;

Which was disagreed to.

Mr. Wells offered the following amendment to the bill:

Amend as follows: Such company shall obtain the right of way from individuals over whose lands such road may run, by paying such additional sums, over and above the amount paid for the right of way for such plank, turnpike, McAdamized or coal road, as may be agreed upon by the parties, or determined according to the act providing for the incorporation of railroad companies.

Mr. Stanfield moved to indefinitely postpone the bill;

And the question being put;

The ayes and noes were demanded by Messrs. Wells and Stanfield.

Those who voted in the affirmative were,

Messrs. Beane, Behm, Bryant, Chowning, Crim, Doughty, Foster, Geddes, Gibson, Hay of Clark, Howell, Hunt, King, Marrs, Mayfield, Smith of Marion, Stanfield, Stevens, Stover, Suit, Sumner, Torbet, and Williams—23.

Those who voted in the negative were,

Messrs. Bulla, Buskirk, Cockrum, Cowgill, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Douthit, Eccles, Graham, Gunn, Hanna, Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Hudson, Huffstetter, Humphreys, Kent, Lawrence, Leviston, Lindsay of Howard, Litchfield, Major, McAllister, McConnell, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Ray, Schoonover, Scudder, Shanklin, Smith of Spencer, Staton, Struble, Sweet, Thompson, Walker, Watson, Wells, Withers, and Mr. Speaker—51.

So the bill was not indefinitely postponed.

Mr. Williams offered the following amendment to the amendment:

Nothing in this act shall be so construed as to exempt the company from paying for the right of way the same as if there had been no plank or McAdamized road constructed.

Which was disagreed to.

The question then recurred on the adoption of Mr. Wells' amendment ;

And being put,

It was agreed to.

The question then being put on ordering the bill to a third reading,

The ayes and noes were demanded by Messrs. Gibson and Stanfield.

Those who voted in the affirmative were,

Messrs. Beane, Bulla, Buskirk, Chowning, Cockrum, Cromwell, Davis of Sullivan, Dice, Eccles, Graham, Hanna, Helmer, Henry, Holladay, Holman, Huffstetter, Humphreys, Lawrence, Leviston, Litchfield, Major, McAllister, McConnell, Morris, Mudget, Nelson, Porter, Schoonover, Scudder, Shanklin, Smith of Spencer, Struble, Sumner, Sweet, Thompson, Walker, Watson, Wells, and Mr. Speaker—39.

Those who voted in the negative were,

Messrs. Behm, Bryant, Cowgill, Crawford, Crim, Davis of Franklin, Doughty, Douthit, Foster, Geddes, Gibson, Gunn, Hart, Hay of Clark, Hays of White, Hicks, Howell, Hudson, Hunt, Kent, King, Lindsay of Howard, Marrs, Mayfield, McDowell, Miller, Ray, Sale, Smith of Marion, Stanfield, Staton, Stevens, Stover, Suit, Torbet, Williams, and Withers—37.

So the bill was ordered to a third reading.

Senate bill No. 124. A bill to establish and regulate ferries,
Was read a second time.

Mr. Douthit moved the House adjourn.

Which was disagreed to.

The bill was then considered as in Committee of the Whole.

Mr. Holladay moved to amend the bill by striking out the thirteenth section.

And the question being put,

The ayes and noes were demanded by Messrs. Holladay and Owen.

Those who voted in the affirmative were,

Messrs. Beane, Behm, Bulla, Cowgill, Crawford, Cromwell, Davis of Franklin, Dice, Doughty, Douthit, Foster, Hays of White, Henry, Hicks, Holladay, Humphreys, Leviston, McDowell, Mudget, Nelson, Sumner, Thompson and Wells—23.

Those who voted in the negative were,

Messrs. Bryant, Buskirk, Chowning, Cockrum, Crim, Davis of Franklin, Dobson, Eccles, Geddes, Gibson, Graham, Gunn, Hanna, Hart, Hay of Clark, Helmer, Holman, Howell, Hudson, Huffstetter, Hunt, Kent, Lawrence, Lindsay of Howard, Litchfield, Major, Marrs, Mayfield, McAllister, McConnell, Miller, Morris, Porter, Ray, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Suit, Sweet, Torbet, Walker, Watson, Williams, Withers and Mr. Speaker—53.

So the 13th section was not struck out.

Mr. Williams submitted the following amendment:

Nothing in this act shall be so construed as to make any person liable for crossing his own property or that of any other, unless he receives pay for the same.

Which was agreed to.

The bill was reported to the House with one amendment, which was concurred in.

Mr. Holman moved to amend the bill by adding the following additional section:

SEC. —. Nothing herein contained shall be so construed as to effect any ferry heretofore established under any law of this State.

Which was agreed to.

Mr. Holladay moved to amend the bill as follows:

Strike out of section 1, all after the word "bond" in the 12th line.

On motion by Mr. Gibson,

The amendment was laid on the table.

The amendments adopted were then ordered to be engrossed, and the bill ordered to a third reading.

A message from the Senate by Mr. Dunn their Secretary :

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the engrossed amendments of the House to engrossed amendments of the Senate to engrossed bill of the House No. 79, entitled "an act authorizing the construction of Plank, McAdamized and Gravel roads.

A message from the Senate by Mr. Dunn their Secretary :

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bills of the House:

No. 110, entitled "an act to change the time of holding the Probate court in Dearborn county."

No. 211, entitled "an act regulating the granting of divorces, nullification of marriages and decrees and orders of court incident thereto."

No. 214, entitled "a bill concerning promissory notes and bills of exchange."

Without amendment.

A message from the Senate by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has receded from its 2nd and 6th engrossed amendments to engrossed bill of the House No. 59, entitled "an act to provide for the incorporation of Railroad companies," and have concurred in the engrossed amendments of the House to the engrossed amendments of the Senate thereto.

Mr. Behm moved the House adjourn.

And the question being put,

The ayes and noes were demanded by ten members.

Those who voted in the affirmative were,

Messrs. Behm, Bryant, Bulla, Buskirk, Cowgill, Crawford, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Doughty, Douthit, Geddes, Gibson, Graham, Gunn, Hanna, Hart, Hays of White, Helmer, Holman, Hudson, Huffstetter, Humphreys, Kent, Leviston, Lindsay of Howard, Mayfield, McAllister, McDowell, Miller, Mudget, Sale, Schoonover, Scudder, Stanfield, Stevens, Suit, Sumner, Thompson, and Torbet—41.

Those who voted in the negative were,

Messrs. Beane, Carpenter, Chowning, Cockrum, Crim, Dobson, Donaldson, Eccles, Foster, Hay of Clark, Henry, Hicks, Holladay, Howell, Hunt, Lawrence, Litchfield, Major, Marrs, McConnell, Nelson, Owen, Porter, Ray, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stover, Struble, Sweet, Walker, Watson, Wells, Williams, and Mr. Speaker—36.

So the House adjourned.

MONDAY MORNING, 8 o'clock, }
May 10, 1852. }

The House met.

The clerk proceeded to read the journal.

On motion by Mr. Smith of Spencer,
The further reading of the Journal was dispensed with.

PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Lindsay of Howard;
The memorial of sundry ladies and gentlemen of Howard county,
praying the passage of a law similar to the Maine law;
Which,

On motion,
Was referred to the committee on Temperance.

By Mr. McConnell:
The memorial of sundry citizens of Steuben county, praying the
passage of a law similar to the Maine law;
Which,

On motion,
Was referred to the committee on Temperance.

REPORTS FROM COMMITTEES.

Mr. Holman, chairman of the Judiciary committee, made the following report:

MR. SPEAKER:

The Judiciary committee to which was referred House bill No. 225, entitled "an act concerning fugitives from justice," have had the same under consideration, and have directed me to report that the two first sections of the bill affect a subject upon which the Congress of the United States, under the 2d section of article 4th of the Constitution have the power of legislation, and Congress having exercised that power by the enactment of the act entitled "an act respecting fugitives from justice and persons escaping from the service of their masters," approved February 12, 1793; the committee are of the opinion, that under the several decisions of the supreme court of the United States upon the subject, Congress having put in

execution the power aforesaid, by the above enactment, the power of a State to legislate on the subject is superceded, if not prohibited by necessary implication; the committee therefore report the bill back with the following amendments, and as amended recommend its passage:

Strike out the first and second sections of the bill after the enacting clause.

Strike out the words "section 3" where they occur, and insert the word "that" before the word "if."

Insert after the words "circuit court" in the 4th line of the 3d section, and wherever the same words subsequently occur in the bill, the words "or court of common pleas."

Insert the words "of the peace" after the word "justice" in the 5th line of section 3.

On motion by Mr. Owen,
The bill, report and amendments were laid on the table.

ORDERS OF THE DAY.

Senate Bills on their Second Reading.

No. 141. A bill to provide for the election and prescribing certain duties of Recorders;

Was read a second time, and considered as in Committee of the Whole; it was reported to the House without amendment.

Mr. Buskirk moved to amend the bill as follows:

SEC. — Before recording any deeds of partition or conveyance of any land, the recorder shall require the endorsement thereon of the auditor of the proper county, which such auditor is hereby required on demand to make, that the land therein mentioned has been "duly entered for taxation," or that it is "not taxable."

SEC. — If any recorder shall record any deed without such endorsement thereon, he shall forfeit and pay the sum of five dollars, to be recovered by action in the name of the county, for the benefit of the common school fund, before any justice of the peace, or court of competent jurisdiction.

Which amendment was agreed to.

On motion by Mr. Stover,

The 4th section of the bill was amended by striking out "12½ cents."

Mr. Hudson moved to amend the bill by striking out in the abstract, "the fees allowed recorder."

Which was disagreed to.

Mr. Smith of Marion moved to lay the bill on the table.

Which was decided in the negative.

The amendments were then ordered to be engrossed, and the bill ordered to a third reading.

On motion by Mr. Stover,

House bill No. 256. A bill to provide for township elections;

Was taken from the table, and the bill ordered to be engrossed.

On motion by Mr. Holman,

Leave of absence was granted Messrs. Stuart and Torbet.

On motion by Mr. McConnell,

Leave of absence was granted Mr. Donham.

Senate joint resolution No. 144. A joint resolution in relation to the Indiana Normal University for the education of females;

Was read a second time and ordered to a third reading.

No. 145. A bill to provide for electing electors for President and Vice President of the United States;

Was read a second time, and considered as in Committee of the Whole, and reported to the House without amendment, and the bill ordered to a third reading.

No. 147. A bill prescribing the manner of empanneling petit jurors, the number and compensation thereof;

Was read a second time, and considered as in committee of the whole and reported to the House without amendment; and the bill ordered to a third reading.

No. 148. A bill touching the laying out and vacation of towns, streets, alleys and public grounds, and the making out and recording plats of such towns;

Was read a second time and considered as in Committee of the Whole, and reported to the House without amendment.

On motion by Mr. Owen,

The bill was laid on the table.

No. 152. A bill prescribing certain misdemeanors punishable only by a justice of the peace,

Was read a second time and considered as in Committee of the Whole, and reported to the House without amendment; and ordered to a third reading.

Mr. Smith of Marion, chairman of the committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The committee on Enrolled Bills have compared the following enrolled with the engrossed bill of the House of the corresponding number, and find the same correctly enrolled:

No. 110. An act to change the time of holding the probate court in Dearborn county.

Whereupon the Speaker signed the same.

Ordered, that the clerk inform the Senate thereof.

HOUSE BILLS ON THIRD READING.

No. 14. A bill for the subscription to, and preservation of the public newspapers printed in the several counties of this State,
Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beane, Behm, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Doughty, Douthit, Geddes, Gibson, Hanna, Hart, Hay of Clark, Helmer, Henry, Hicks, Hufstetter, Hunt, Kent, King, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Major, Marrs, Mayfield, McAllister, McConnell, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Stanfield, Stevens, Stover, Struble, Sumner, Walker, Watson, Wells, Williams, and Mr. Speaker—62.

Those who voted in the negative were,

Messrs. Cockrum, Eccles, Foster, Graham, Gunn, Litchfield, Ray, Smith of Spencer, Staton, Sweet, and Withers—11.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

No. 200. A bill prescribing the powers and duties of Justices of the Peace in State prosecutions;

Was read a third time.

By unanimous consent of the House,

On motion by Mr. Gibson,

The 25th section of the bill was amended by adding in the proper place, "unless otherwise directed by both parties."

Mr. Foster moved to recommit the bill to the Judiciary committee, with the following instructions:

Amend the first section by striking out "three dollars," and inserting "five dollars."

Which was disagreed to.

The question being, Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beane, Behm, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gunn, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Howell, Hudson, Huffstetter, Humphreys, Hunt, Kent, King, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Litchfield, Mayfield, McAllister, McConnell, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Sumner, Sweet, Thompson, Walker, Watson, Wells, Williams, Withers and Mr. Speaker—75.

Those who voted in the negative were,

Messrs. Cockrum, Graham, and Major—3.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

No. 204. A bill concerning the partition of lands;
Was read a third time.

By unanimous consent of the House,

On motion by Mr. Gibson,

The bill was amended by adding in the proper place, in section 26, the words "And such heirs may be made new parties."

Mr. King moved to recommit the bill with the following instructions:

Amend section 21 as follows:

Whenever the purchase money of the land shall have been paid, the commissioner shall execute, or the court shall order the commissioner or some other person to execute conveyances to the purchaser which shall bar all claim of such owners to said lands as effectually as if they themselves had executed the same.

Which was disagreed to.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beane, Brady, Bryant, Bulla, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis of Sullivan, Dice, Dobson, Donaldson, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Howell, Hudson, Huffstetter, Humphreys, Hunt, Leviston, Lindsey of Fayette, Linsday of Howard, Litchfield, Major, Marrs, Mayfield, McAllister, McConnell, McDowell, Miller, Morris, Nelson, Owen, Ray, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Sumner, Sweet, Thompson, Walker, Watson, Wells, Williams, Withers, and Mr. Speaker—72.

Those who voted in the negative were,

Messrs. Buskirk, Davis of Franklin, Holman, King, Lawrence, and Mudget—6.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

No. 231. A bill authorizing the recovery by a wife, of property lost by gambling;
Was read a third time.

On motion by Mr. Owen,
The bill was laid on the table.

No. 236. A bill containing several provisions regarding landlords, tenants, lessors and lessees;
Was read a third time.

Mr. Carpenter moved to recommit the bill to the Judiciary committee with the following instructions:

Strike out the 11th and 17th sections of the bill.

Which was disagreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beane, Behm, Bryant, Bulla, Chowning, Cowgill, Crawford, Crim, Davis of Sullivan, Dice, Dobson, Donaldson, Douthit, Eccles, Foster, Geddes, Gibson, Hanna, Hart, Hay of Clark, Hays of White, Henry, Holladay, Howell, Hudson, Hunt, Lawrence, Litchfield, Major, McConnell, McDowell, Mudget, Nelson, Owen, Porter, Reynolds, Sale, Schoonover, Smith of Marion, Smith of

Spencer, Stanfield, Staton, Stevens, Stover, Struble, Sweet, Wells, Williams, Withers, and Mr. Speaker—50.

Those who voted in the negative were,

Messrs. Carpenter, Cockrum, Cromwell, Davis of Franklin, Dough-ty, Graham, Gunn, Helmer, Hicks, Holman, Huffstetter, King, Lev-iston, Lewis, Lindsey of Fayette, Linsday of Howard, Marrs, May-field, Miller, Ray, Scudder, Shanklin, Thompson, Walker, and Wat-son—25.

So the bill did not pass.

Mr. Owen called up House bill

No. 236. A bill containing several provisions regarding land-lords and tenants, &c.;

Which was just lost, there not being a constitutional vote given therefor on the question of its passage.

Mr. Doughy moved to lay the bill on the table.

Which was not agreed to.

Mr. Scudder moved to recommit the bill, with the following in-structions :

Amend so that where lands are rented for a certain part of the crops raised thereon, such part of the crops raised shall stand good for the payment of such rent.

Which was disagreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beane, Brady, Bryant, Bulla, Buskirk, Chowning, Cowgill, Crawford, Crim, Davis of Sullivan, Dice, Dobson, Donaldson, Douthit, Eccles, Foster, Geddes, Gibson, Graham, Hanna, Hart, Hay of Clark, Hays of White, Henry, Holladay, Howell, Hudson, Humphreys, Hunt, Lawrence, Lewis, Linsday of Howard, Litchfield, Major, McAllister, McConnell, McDowell, Morris, Mudget, Nelson, Owen, Porter, Rey-nolds, Sale, Schoonover, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Sumner, Sweet, Wells, Williams, Withers, and Mr. Speaker—58.

Those who voted in the negative were,

Messrs. Behm, Carpenter, Cockrum, Cromwell, Davis of Franklin, Doughy, Gunn, Helmer, Hicks, Holman, Huffstetter, King, Leviston, Lindsey of Fayette, Marrs, Mayfield, Miller, Ray, Scudder, Shanklin, Thompson, Walker, and Watson—23.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

No. 237. A bill declaring what documents shall be published along with the Revised Statutes,

Was read a third time.

Mr. Hudson moved to lay the bill on the table;

Which was disagreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beane, Behm, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Crawford, Crim, Cromwell, Davis of Sullivan, Dice, Dobson, Douthit, Eccles, Foster, Geddes, Gibson, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Henry, Holladay, Holman, Howell, Huffstetter, Humphreys, Hunt, Kent, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Mayfield, McAllister, McConnell, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Ray, Sale, Schoonover, Scudder, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevents, Stover, Struble, Sumner, Sweet, Walker, Watson, Wells, Williams, Withers, and Mr. Speaker—68.

Those who voted in the negative were,

Messrs. Cowgill, Donaldson, Doughty, Graham, Hudson, King, Marrs, Reynolds, Shanklin, and Thompsonn—10

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

No. 238. A bill concerning interest on money;

Was read a third time.

Mr. Holman moved to recommit the bill, with the following instructions, to the Judiciary committee:

"The provisions of this act shall apply to all artificial, as well as natural persons."

Mr. Nelson called the previous question;

Which was not seconded by the House.

Mr. King moved to amend the instructions as follows:

Insert after the words "directly or indirectly," the following:

Unless on money loans exclusively hereafter to be made, a greater sum, not exceeding ten dollars upon one hundred dollars per year, be agreed upon by the parties, in writing.

And the question being put on the adoption thereof,

The ayes and noes were demanded by Messrs. King and Holman.

Those who voted in the affirmative were,

Messrs. Brady, Bryant, Bulla, Carpenter, Cromwell, Davis of Franklin, Dice, Doughty, Geddes, Gibson, Hay of Clark, Helmer, Hicks, Huffstetter, Kent, King, Leviston, Linsday of Howard, Mayfield, Sale, Stevens, Struble, Sumner, Thompson, and Walker—25.

Those who voted in the negative were,

Messrs. Beane, Behm, Buskirk, Chowning, Cockrum, Crawford, Crim, Davis of Sullivan, Dobson, Donaldson, Douthit, Eccles, Foster, Graham, Gunn, Hanna, Hays of White, Henry, Holladay, Holman, Howell, Hudson, Humphreys, Hunt, Lawrence, Lewis, Lindsey of Fayette, Litchfield, Major, Marrs, McAllister, McConnell, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stover, Sweet, Watson, Wells, Williams, Withers and Mr. Speaker—55.

So the amendment to the instructions was disagreed to.

The question then recurred on recommitting the bill with the instructions of Mr. Holman,

And the question being put,

The ayes and noes were demanded by Messrs. Holman and Nelson.

Those who voted in the affirmative were,

Messrs. Behm, Brady, Bryant, Bulla, Buskirk, Chowning, Cowgill, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Doughty, Douthit, Eccles, Foster, Graham, Gunn, Hanna, Hart, Hay of Clark, Helmer, Hicks, Holman, Huffstetter, Humphreys, Kent, Lawrence, Leviston, Lewis, Linsday of Howard, Major, McAllister, McDowell, Morris, Nelson, Porter, Smith of Marion, Smith of Spencer, Staton, Stover, Struble, Thompson, Walker, Watson, Williams, Withers, and Mr. Speaker—47.

Those who voted in the negative were,

Messrs. Beane, Carpenter, Cockrum, Crawford, Crim, Dobson, Donaldson, Donham, Geddes, Gibson, Gookins, Henry, Holladay, Howell, Hunt, King, Lindsey of Fayette, Litchfield, Marrs, Mayfield, McConnell, Miller, Mudget, Owen, Reynolds, Sale, Schoonover, Scudder, Shanklin, Stanfield, Stevens, Sumner, Sweet, and Wells—34.

So the bill was recommitted with instructions.

Mr. Nelson moved to reconsider the vote just taken ;
 And the question being put,
 The ayes and noes were demanded by Messrs. Nelson and Holman.

Those who voted in the affirmative were,

Messrs. Beane, Carpenter, Cockrum, Crawford, Crim, Davis of Sullivan, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Geddes, Gookins, Hays of White, Henry, Holladay, Howell, Hudson, Hunt, Lawrence, Lindsey of Fayette, Linsday of Howard, Litchfield, Marrs, McConnell, Miller, Morris, Mudget, Nelson, Reynolds, Sale, Schoonover, Scudder, Shanklin, Sumner, Sweet, Wells and Withers—39.

Those who voted in the negative were,

Messrs. Behm, Brady, Bryant, Bulla, Chowning, Cowgill, Cromwell, Davis of Franklin, Dice, Foster, Gibson, Graham, Gunn, Hanna, Hart, Hay of Clark, Helmer, Hicks, Holman, Huffstetter, Humphreys, Kent, Leviston, Lewis, Major, Mayfield, McAllister, McDowell, Owen, Porter, Ray, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stover, Struble, Thompson, Walker, Watson, Williams, and Mr. Speaker—42.

So the vote was not reconsidered.

No. 240. A bill prescribing the duties of Secretary of State ;
 Was read a third time.

Mr. Smith of Marion moved to lay the bill on the table ;
 And the question being put,

The ayes and noes were demanded by Messrs. Buskirk and Smith of Marion.

Those who voted in the affirmative were,

Messrs. Behm, Brady, Bryant, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Dobson, Donaldson, Doughty, Douthit, Eccles, Foster, Gookins, Hart, Hicks, Holman, Howell, Hudson, Hunt, King, Lindsey of Fayette, Linsday of Howard, Litchfield, Marrs, Mayfield, McAllister, Miller, Mudget, Owen, Porter, Scudder, Smith of Marion, Stanfield, Sumner, Thompson, Watson, and Mr. Speaker—42.

Those who voted in the negative were,

Messrs. Beane, Bulla, Crim, Davis of Franklin, Davis of Sullivan,

Dice, Geddes, Gibson, Graham, Hanna, Hay of Clark, Helmer, Henry, Holladay, Huffstetter, Humphreys, Kent, Lawrence, Leviston, Major, McConnell, Morris, Nelson, Ray, Reynolds, Schoonover, Shanklin, Smith of Spencer, Staton, Stevens, Stover, Struble, Sweet, Walker, Wells, Williams, and Withers—37.

So the bill was laid on the table.

On motion by Mr. Owen,

The following message from the Senate was taken up :

A message from the Senate, by Mr. Dunn, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House :

No. 201. Entitled an act regulating descents, and the apportionment of estates ;

With the accompanying engrossed amendments thereto ; in which the concurrence of the House is respectfully requested.

Mr. King moved to lay the bill, and amendments of the Senate contained in the foregoing message, on the table ;

Which was disagreed to.

Mr. King moved to postpone the further consideration of the bill and pending amendments until 2 o'clock to-morrow.

Which was disagreed to.

Mr. English moved to concur in the engrossed amendments of the Senate contained in the foregoing message, with the following amendment :

Where a man dies, leaving a wife and children, and an estate exceeding \$10,000 dollars in value, nothing in this or any other act shall be so construed as to invalidate the will of such person disposing of the excess of such estate over and above said sum of \$10,000 ; and no person shall be deemed to have any claim in dower or otherwise to such excess, except the devisees of the will, and creditors of the deceased.

And the question being put,

The ayes and noes were demanded by Messrs. English and Owen.

The members proceeded to vote ; and before the clerk announced the result,

On motion by Mr. Stover,

A new count was ordered.

The clerk then proceeded to the call.

Those who voted in the affirmative were,

Messrs. Bulla, Carpenter, Cockrum, Cowgill, Cromwell, Davis of Franklin, Donham, Eccles, Gunn, Hart, Helmer, Hicks, Holladay, Holman, Howell, Major, McAllister, Smith of Spencer, Stevens, Struble, Thompson, Walker, Withers, and Mr. Speaker—24.

Those who voted in the negative were,

Messrs. Beane, Brady, Buskirk, Chowning, Crawford, Crim, Dice, Dobson, Donaldson, Doughty, Douthit, Foster, Geddes, Gibson, Gookins, Graham, Hanna, Hay of Clark, Hays of White, Henry, Hudson, Huffstetter, Humphreys, Hunt, Kent, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Marrs, Mayfield, McConnell, McDowell, Miller, Morris, Mudgett, Nelson, Owen, Porter, Ray, Reynolds, Scudder, Shanklin, Smith of Marion, Stanfield, Staton, Stover, Watson, Wells, and Williams—52.

So the motion to concur with the amendment did not prevail.

On motion by Mr. Doughty,
The House adjourned.

2 o'clock, P. M.

The House met.

ORDERS OF THE DAY RESUMED.

The question pending at last adjournment being on concurring in the engrossed amendments of the Senate to bill of the House No. 240.

On motion by Mr. Doughty,

Leave of absence was granted Mr. Sale on account of sickness.

Mr. Owen moved to concur in the engrossed amendments of the Senate, with the following amendment:

In section 27, after the word "entitled," in the first line, add the words, "except as in section 17 excepted."

And the question being put,

It was agreed to.

Ordered that the clerk inform the Senate thereof.

On motion by Mr. Behm,

The following message from the Senate was taken up:

A message from the Senate by Mr. Dunn their Secretary :

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House :

No. 230. Entitled "an act to create a special term of the Tippecanoe circuit court;" with one engrossed amendment of the Senate thereto, in which the concurrence of the House is respectfully requested.

The engrossed amendment of the Senate to House bill No. 230, contained in the foregoing message was concurred in.

Ordered, that the Clerk inform the Senate thereof.

No. 241. A bill in relation to commissions, certificates, and resignation of officers ;

Was read a third time,

And the question then being, shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Beane, Brady, Bryant, Bulla, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Davis of Franklin, Davis of Sullivan, Dice, Donaldson, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Graham, Gunn, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Howell, Hudson, Huffstetter, Humphreys, Hunt, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Marrs, McAllister, McConnell, McDonald, Miller, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Stanfield, Staton, Stover, Struble, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams, Wilson, and Mr. Speaker—70.

No person voted in the negative.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

On motion by Mr. Owen,

House bill No. 225. A bill concerning fugitives from justice ;

Was taken up.

The pending amendments reported by the Judiciary committee, were concurred in and the bill ordered to be engrossed.

No. 242. A bill to submit to the voters of the counties of Perry and Spencer at the general election for the year 1852, a proposal to create a new county, out of a portion of the territory of said counties, under the provisions of the 15th specification of the schedule of the Constitution, and providing for the manner of voting on said proposition, and the duty of the officers of election, and of the clerks of the circuit court, and sheriffs of said counties respectively, and of the Secretary of State in relation thereto.

Was read a third time,

And the question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beane, Behm, Brady, Bryant, Bulla, Buskirk, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holman, Howell, Hudson, Huffstetter, Humphreys, Hunt, Kent, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Marrs, McConnell, McDonald, Miller, Morris, Mudget, Nelson, Owen, Ray, Reynolds, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stover, Struble, Sweet, Taggart, Thompson, Watson, Wells, Williams, Withers, and Mr. Speaker—72.

Those who voted in the negative were,

Messrs. Doughty, Holladay, and Walker—3.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

SENATE BILLS ON THIRD READING.

No. 122. A bill to organize a supreme court, and prescribing certain duties of the judges thereof;

Was read a third time, and

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beane, Behm, Brady, Bryant, Bulla, Buskirk, Chowning, Carpenter, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Dice, Dobson, Donaldson, Doughty, Douthit, Eccles, Fos-

ter, Geddes, Gibson, Gookins, Graham, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Holman, Howell, Hudson, Huffstetter, Humphreys, Hunt, Kent, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Marrs, Mayfield, McAllister, McConnell, McDonald, Miller, Morris, Mudget, Nelson, Owen, Porter, Reynolds, Schoonover, Scudder, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Sweet, Taggart, Thompson, Watson, Wells, Williams, Withers and Mr. Speaker—73.

Those who voted in the negative were,

Messrs. Davis of Sullivan, Gunn, Hicks, Holladay, Ray, Shanklin, and Walker—7.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

No. 123. A bill providing for an organization of circuit courts, the election of judges thereof, and defining their powers and duties; Was read a third time.

By unanimous consent of the House,

On motion by Mr. Holman,

The bill was amended as follows:

In section 17, strike out the words "on a subsequent day," and insert "for three successive days."

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beane, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Crawford, Crim, Davis of Sullivan, Dice, Dobson, Donaldson, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Graham, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Howell, Hudson, Huffstetter, Humphreys, Hunt, Kent, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Marrs, Mayfield, McAllister, McConnell, McDonald, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Stevens, Stover, Struble, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams, Withers and Mr. Speaker—74.

Those who voted in the negative were,

Messrs. Cockrum, Cowgill, Cromwell, and Gunn—4.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

HOUSE BILLS ON SECOND READING.

No. 257. A bill in relation to county auditors,

Was read a second time, and considered as in committee of the whole, and reported back to the House without amendment.

Ordered, that this bill be engrossed.

No. 258. A bill in relation to county treasurers,

Was read a second time, and considered as in committee of the whole, and reported back to the House without amendment, and ordered to be engrossed.

No. 259. A bill to provide for the levying upon real estate, upon execution, when the debtor has conveyed the same to a third party, before levy made,

Was read a second time and considered as in Committee of the Whole, and reported to the House without amendment.

On motion by Mr. Smith of Marion,

The bill was amended by striking out the last section thereof.

The bill was then ordered to be engrossed.

No. 260. A bill providing for the appointment of Notaries Public, and defining their powers and duties;

Was read a second time, and considered as in committee of the whole, and reported to the House without amendment.

Ordered that this bill be engrossed.

No. 261. A bill regulating the appointment and removal of guardians for minors, prescribing their powers and duties; authorizing the sale of the real estate of minors; requiring bond with security to be given by such guardian, and authorizing suits on the same;

Was read a second time, and considered as in committee of the whole, and reported to the House without amendment.

Mr. Graham moved to refer the bill to the Judiciary committee; Which was disagreed to.

On motion by Mr. Holman,

The bill was laid on the table.

HOUSE BILLS ON THIRD READING.

No. 213. A bill touching official bonds and oaths;

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beane, Brady, Bryant, Bulla, Chowning, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Gibson, Gookins, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holman, Howell, Huffstetter, Hunt, Kent, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Marrs, Mayfield, McAllister, McConnell, McDonald, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams, Withers and Mr. Speaker—71.

Mr. Graham voted in the negative.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

No. 244. A bill concerning liens of Mechanics, Merchants and others.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beane, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Howell, Hudson, Huffstetter, Hunt, Kent, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Marrs, Mayfield, McAllister, McConnell, Miller, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams, Withers and Mr. Speaker—80.

No person voted in the negative.

So the bill passed.

Ordered, that the Clerk inform the Senate thereof.

No. 245. A bill concerning the three per cent. fund, and the management thereof.

Was read a third time, and
The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beane, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Howell, Hudson, Huffstetter, Hunt, Kent, Lawrence, Leviston, Lewis, Lindsey of Fayette, Linsday of Howard, Litchfield, Major, Marrs, Mayfield, McAllister, McConnell, Miller, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Sweet, Taggart, Thompson, Walker, Watson, Williams, Withers and Mr. Speaker—78.

Mr. Wells voted in the negative.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

On motion by Mr. Owen,

House bill No. 221. A bill concerning county prisons;
Was taken from the table.

By unanimous consent of the House,

On motion by Mr. Owen,

The bill was amended as follows:

Strike out section 12 and insert—

SEC. 12. Any county jail may be used for the safe keeping of any fugitive from justice or labor, in this State, in accordance with the provisions of any act of Congress, and the jailor shall, in this case be entitled to reasonable compensation for support and custody of such fugitive, from the officer having him in custody.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beane, Behm, Brady, Bryant, Buskirk, Carpenter, Chowning, Crawford, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Doughty, Eccles, Foster, Gibson, Gookins, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holman, Howell, Hudson, Huffstetter, Hunt, Kent, Lawrence, Leviston, Lewis, Lindsey of Fayette, Linsday of Howard, Litchfield, Major, Marrs, Mayfield, McAl-

lister, McConnell, Miller, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stover, Struble, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams, Withers, and Mr. Speaker—73.

Those who voted in the negative were,

Messrs. Cockrum, Douthit, Holladay, and Stevens—4.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

Senate bill No. 121. A bill for the incorporation of high schools, academies, colleges, universities, theological institutions and missionary boards;

Was read a third time.

And the question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beane, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Crawford, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Douthit, Eccles, Geddes, Gibson, Gookins, Hanna, Hart, Hay of Clark, Helmer, Henry, Hicks, Holladay, Howell, Hudson, Huffstetter, Hunt, Lawrence, Leviston, Lewis, Lindsey of Fayette, Litchfield, Major, Marrs, Mayfield, McAllister, McConnell, Miller, Morris, Mudget, Nelson, Owen, Porter, Reynolds, Schoonover, Scudder, Shanklin, Stanfield, Staton, Stevens, Stover, Struble, Sweet, Taggart, Thompson, Watson, Wells, Williams, Withers, and Mr. Speaker—66.

Those who voted in the negative were,

Messrs. Doughty, Foster, Gunn, Lindsay of Howard, Ray, Smith of Marion, Smith of Spencer, and Walker—8.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

House joint resolution No. 28. A joint resolution on the subject of donating the government lands of the State of Indiana to the State;

Was read a third time.

The question being, shall the joint resolution pass?

Those who voted in the affirmative were,

Messrs. Beane, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Crawford, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donham, Doughty, Douthit, Eccles, Geddes, Gibson, Gookins, Graham, Gunn, Hanna, Hart, Hay of Clark, Helmer, Henry, Hicks, Holladay, Holman, Howell, Hudson, Huffstetter, Hunt, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Marrs, Mayfield, McAllister, McDonald, Miller, Morris, Mudgett, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stevens, Stover, Struble, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams, Withers and Mr. Speaker—75.

Mr. Foster voted in the negative.

So the joint resolution passed.

Ordered that the Clerk inform the Senate thereof.

House joint resolution No. 29. A joint resolution in relation to the practice and pleading in the United States courts.

Was read a third time.

And the question being, shall the joint resolution pass?

Those who voted in the affirmative were,

Messrs. Beane, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Howell, Hudson, Huffstetter, Hunt, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Marrs, Mayfield, McAllister, McConnell, McDonald, Miller, Morris, Mudgett, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stevens, Stover, Struble, Sweet, Taggart, Thompson, Walker, Watson, Withers and Mr. Speaker—75.

Mr. Williams voted in the negative.

So the joint resolution passed.

Ordered, that the Clerk inform the Senate thereof.

On motion by Mr. Owen,

House bill No. 224. A bill to authorize and limit allowances by Courts and Boards, and drafts upon county Treasurers.

Was taken from the table.

And ordered to be engrossed.

On motion by Mr. Stover,

House bill No. 202. A bill prescribing the number, and defining the powers and duties of constables.

Was taken from the table,

And ordered to be engrossed.

On motion by Mr. Stover,

The following resolution offered by Mr. Doughty, and laid on the table some days since:

Was taken up.

Resolved, That the select committee appointed to district the State into judicial circuits, be required, as soon as practicable, to report a bill providing for nine judicial circuits.

The question being put on its adoption,

It was agreed to.

HOUSE BILLS ON SECOND READING.

No. 262. A bill defining who are persons of unsound mind, authorizing the appointment of guardians for such persons, defining the powers and duties of such guardians, declaring void the contracts of persons of unsound mind, providing for their restraint when necessary.

Was read a second time and considered as in Committee of the Whole, and reported back to the House without amendment.

Mr. Helmer offered the following amendment:

SEC. —. Whenever any person of unsound mind shall be the owner of property in any county of the State, other than the one in which such person resides, (or being an inhabitant of another State) upon satisfactory proof thereof, verified by oath or affirmation of at least two competent witnesses, that such person is believed to be incapable of transacting his or her business, and that such property is going to waste, or likely to go to waste, the court having probate jurisdiction in such county shall appoint a guardian for such person, who shall have the management of such estate until a guardian be legally appointed in the county where such person of unsound mind may reside, or until the same be restored.

Which amendment was agreed to.

The bill was then ordered to be engrossed.

On motion by Mr. Owen,
Senate bill No. 120. A bill prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate, and contest thereof;

Was taken from the table.

Mr. Gibson offered the following amendment:

Amend the second section by adding thereto the words, "a devise or bequest to a wife with a condition in restraint of marriage shall stand, but the condition shall be void."

Which was agreed to, and the bill ordered to be engrossed.

No. 263. A bill to regulate the hours of manual labor,
Was read a second time, and considered as in Committee of the Whole.

Mr. Behm moved to amend section — of the bill by striking out "10" hours and insert "8" hours.

And the question being put,

The ayes and noes were demanded by Messrs. Behm and Withers.

Those who voted in the affirmative were,

Messrs. Behm, Bryant, Buskirk, Chowning, Cowgill, Crim, Cromwell, Davis of Franklin, Douthit, Gibson, Graham, Hanna, Hay of Clark, Hays of White, Helmer, Hicks, Holladay, Holman, Lawrence, Leviston, Lewis, Lindsay of Howard, Major, Marrs, McAllister, McDonald, McDowell, Morris, Owen, Porter, Reynolds, Smith of Spencer, Stanfield, Stover, Struble, Walker, Withers, and Mr. Speaker—38.

Those who voted in the negative were,

Messrs. Beane, Brady, Carpenter, Cockrum, Crawford, Davis of Sullivan, Dice, Dobson, Doughty, Eccles, Foster, Geddes, Gookins, Gunn, Hart, Henry, Howell, Hudson, Huffstetter, Hunt, Lindsey of Fayette, Litchfield, Mayfield, Mudget, Nelson, Ray, Schoonover, Scudder, Shanklin, Smith of Marion, Staton, Stevens, Sweet, Taggart, Thompson, Watson, Wells, and Williams—38.

So the amendment was disagreed to.

Mr. Smith of Marion, moved to refer the bill to the committee on the Rights and Privileges of the Inhabitants of the State;

Which was disagreed to.

On motion by Mr. Stover,

The bill was referred to the committee on Agriculture and Commerce.

Mr. Owen called up

No. 87. A bill to authorize the Auditor, Secretary and Treasurer

of State to sell lots No. 4, 5 and 6, in square No. 47, in the city of Indianapolis, known as the Governor's House, and all the household and personal property belonging to the same, owned by the State.

Which was lost some days since, there not being a constitutional vote given therefor.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beane, Chowning, Douthit, Gookins, Henry, Hicks, Lawrence, Lewis, Nelson, Owen, Porter, Sweet, and Withers—13.

Those who voted in the negative were,

Messrs. Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Doughty, Eccles, Foster, Geddes, Gibson, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Holladay, Holman, Howell, Hudson, Huffstetter, Hunt, Leviston, Lindsey of Fayette, Linsday of Howard, Litchfield, Major, Marrs, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Mudget, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Stanfield, Staton, Stevens, Stover, Struble, Taggart, Thompson, Walker, Watson, Wells, Williams, and Mr. Speaker—67.

So the bill did not pass.

Senate bill No. 126, A bill to authorize the formation of voluntary associations;

Was read a third time.

And the question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beane, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Geddes, Gibson, Gookins, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Howell, Hudson, Hunt, Lawrence, Leviston, Lewis, Lindsey of Fayette, Linsday of Howard, Litchfield, Major, Marrs, Mayfield, McAllister, McConnell, McDonald, Miller, Morris, Mudget, Nelson, Owen, Porter, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Sweet, Taggart, Walker, Watson, Wells, Williams, Withers, and Mr. Speaker—76.

Those who voted in the negative were,

Messrs. McDowell, Ray, and Thompson—3.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

Mr. Holladay moved the House adjourn ;

Which was disagreed to.

House bill No. 264, A bill prescribing duties of Governor ;

Was read a second time and considered as in committee of the whole, and reported to the House without amendment.

The bill was ordered to be engrossed.

Mr. McConnell moved that the vacancy now existing in the committee on Fees and Salaries, be supplied ;

Which was agreed to.

Messrs. Huffstetter and Humphreys were appointed on said committee.

A message from the Senate by Mr. Dunn their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the engrossed amendment of the House to the engrossed amendment of the Senate to engrossed bill of the House No. 201, entitled "An act regulating descents and the apportionment of estates."

A message from the Senate, by Mr. Dunn, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bills of the House :

No. 215, entitled "An act to encourage the growth of silk."

No. 219, entitled "An act touching easements."

No. 220, entitled "An act for the encouragement of Fire Companies."

No. 226, entitled "An act in relation to special elections."

No. 61, entitled "An act to prevent the destruction of or injury of animals, and the destruction of human life by rail roads, and to provide compensation for the same ;"

Without amendment.

On motion by Mr. Holman,

The House adjourned.

TUESDAY MORNING, 8 o'clock, }
May 11th, 1852.

The House met.

The Journal being partly read.

When,

On motion by Mr. Crim,
The further reading of the journal was dispensed with.

PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Porter;

A petition praying the relief of Stephen G. Peabody and James Dalmazzo, of Switzerland county;

Which,

On motion,

Was referred to a select committee of Messrs. Porter Holman and Gibson.

By Mr. Brady;

The petition of John Burk, Peter Koontz & Co., praying the release from payment of an obligation given the State for lease of water power on Central Canal;

Which,

On motion,

Was referred to the committee on Claims.

By Mr. Carpenter;

The memorial of 150 ladies of Vanderburg county, praying the passage of a law similar to the Maine law;

Which,

On motion,

Was referred to the committee on Temperance.

REPORTS FROM COMMITTEES.

Mr. Huffstetter, chairman of the committee on Roads, made the following report:

MR. SPEAKER:

The committee on Roads have directed me to report No. 267, a

bill to provide for the opening, vacating and change of highways; and to recommend its passage.

The bill was read a first time and passed to a second reading.

Mr. Huffstetter, chairman of the committee on Roads, made the following report:

MR. SPEAKER:

The committee on Roads have directed me to report No. 268, a bill "to provide for the erection and repair of bridges," and to recommend its passage.

The bill was read a first time and passed to a second reading.

Mr. Sumner from the committee on Corporations made the following report:

MR. SPEAKER:

The committee on Corporations to which was referred petition of sundry citizens of Indianapolis and Princeton this in State, asking for the repeal of an act, "approved February 16, 1844," in reference to agents of foreign insurance companies, have had the subject under consideration, and directed me to report the same back, and recommend that it be laid on the table, and ask to be discharged from the further consideration of the subject.

Which report was concurred in.

Mr. Leviston, chairman of the committee on Corporations, made the following report:

MR. SPEAKER:

The committee on Corporations to whom was referred the petition of Hamilton Conaway and other citizens of Dearborn county, praying for the passage of a law restricting corporate companies for the construction of roads, &c., from taking possession of lands, materials, &c., without first having the damages assessed, and either paying, tendering or securing the same; have had that subject under consideration, and have directed me to report that the provisions prayed for in said petition, are incorporated in the bills now before the Legislature on the subject of railroads, and turnpike, gravel and plank roads; the committee ask to be discharged from the further consideration of that subject.

Which report was concurred in.

Mr. Owen, from the select joint committee on Revision, made the following report:

MR. SPEAKER:

The joint committee on Revision, to whom was referred House bill No. 188, fixing the per diem of members of the General Assembly, report the same back and recommend that it lie on the table; a bill containing exactly the same provisions but more briefly worded, having been prepared by your committee, and they ask to be discharged from the further consideration of such bill.

The report was concurred in, and the committee discharged.

Mr. Owen, chairman of the joint select committee on Revision, made the following report:

MR. SPEAKER:

The select joint committee on Revision to whom was referred House bill No. 22, authorizing clerks of the court to take acknowledgments of deeds in certain cases, report the same back, and recommend that it lie on the table; the provision it contains, so far as it has force, being incorporated in a bill prepared by your committee.

Which was concurred in.

Mr. Owen, from the select joint committee on Revision, made the following report:

MR. SPEAKER:

The select joint committee on Revision to whom was referred House bill No. 183, an act relative to the acknowledgment and recording of deeds heretofore made and recorded, report the same back, and recommend that it lie on the table; a provision legalizing the record of ancient deeds having been incorporated in a general law by your committee.

Which was concurred in.

By unanimous consent of the House,
Mr. Smith of Spencer obtained leave and introduced

No. 269. A bill amendatory of an act regulating descents and distribution of estates:

Which was read a first time and passed to a second reading.

By unanimous consent of the House,

Mr. Crim obtained leave and introduced

No. 270. A bill to prevent the adulteration of wines, spirits and other liquors;

Which was read a first time and passed to a second reading.

ORDERS OF THE DAY.

House bills on third reading.

No. 45. A bill to prohibit negroes and mulattoes from coming into the State of Indiana, and for the registering of such as are entitled to reside therein, and to prevent contracts with negroes and mulattoes not entitled to such residence;

Was read a third time.

Mr. Hudson moved to recommit the bill to the joint select committee on Revision, with the following instructions, viz:

SEC. 8. If any person shall execute to any negro or mulatto coming into the State after the date aforesaid, or to any person in trust for such negro or mulatto, any conveyance of lands or any interest therein, the said lands shall be forfeited to the State, and shall thenceforth constitute a part of the colonization fund.

Mr. Doughty moved to amend the instructions by adding the words "knowingly sells to such negro or mulatto."

Mr. McDowell moved to amend the amendment as follows, viz:

By adding the word "Scotchman," after the word "negro," wherever it occurs.

Which was disagreed to.

The question then being put on the adoption of Mr. Doughty's amendment to the instructions;

It was disagreed to.

Mr. Behm moved to amend the instructions, viz:

This act shall apply only to contracts made with negroes and mulattoes subsequent to the passage of this act.

And the question being put on its adoption,

The ayes and noes were demanded by Messrs. Behm and Davis of Franklin.

Those who voted in the affirmative were,

Messrs. Behm, Bryant, Bulla, Carpenter, Cockrum, Cowgill, Crim, Cromwell, Davis of Franklin, Dice, Donham, Doughty, Geddes, Graham, Gunn, Hays of White, Henry, Holladay, Hudson, Hunt, Lawrence, Leviston, Lewis, Lindsay of Howard, Litchfield, Marrs, Mayfield, McConnell, McDonald, Morris, Nelson, Scudder, Smith of

Spencer, Stanfield, Staton, Stevens, Sumner, Sweet, Taggart, Thompson, Watson, and Wells—42.

Those who voted in the negative were,

Messrs. Beach, Beane, Brady, Chowning, Crawford, Davis of Sullivan, Dobson, Douthit, Eccles, Foster, Gibson, Gookins, Hanna, Hart, Hay of Clark, Helmer, Hicks, Holman, Howell, Huffstetter, Lindsey of Fayette, Major, McAllister, McDowell, Miller, Owen, Porter, Ray, Reynolds, Schoonover, Shanklin, Smith of Marion, Stover, Struble, Walker, Williams, and Mr. Speaker—37.

So the amendment was agreed to.

Mr. Crim moved to amend the instructions as follows:

So as to allow non-resident negroes and mulattoes to convey real estate to white men.

Mr. Smith of Spencer moved to amend the amendment as follows, viz:

If any negro or mulatto, coming into the State after the adoption of the Constitution, and shall purchase any real estate or personal property, and shall have paid all or any part thereof, he shall not have the right to recover by law the amount so paid by such negro or mulatto.

And the question being put,

It was disagreed to.

The question then being put on the adoption of Mr. Crim's amendment to the instructions,

It was agreed to.

On motion by Mr. Bryant,

The vote just taken, was reconsidered.

The question then being put, on the adoption of Mr. Crim's amendment;

It was disagreed to.

Mr. Sumner moved to amend the instructions as follows, viz:

Nothing in this act shall be so construed as to prevent a negro or mulatto who resides in another State, and owns real estate in this State, from coming into this State and conveying the same to any white person, or negro or mulatto who is a legal resident.

And the question being put on its adoption,

The ayes and noes were demanded by Messrs. Withers and Stanfield.

Those who voted in the affirmative were,

Messrs. Cromwell, McDonald, Morris, Stanfield and Sumner—5.

Those who voted in the negative were,

Messrs. Beach, Beane, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Howell, Hudson, Huffstetter, Humphreys, Hunt, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Marrs, Mayfield, McAllister, McConnell, McDowell, Miller, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stover, Struble, Sweet, Taggart, Thompson, Walker, Watson, Williams, Withers and Mr. Speaker—76.

So the amendment was not agreed to.

The question then recurred on recommitting the bill with the instructions of Mr. Hudson,

And being put,

The ayes and noes were demanded by Messrs. Hudson and Doughty.

Those who voted in the affirmative were,

Messrs. Beane, Behm, Brady, Bryant, Bulla, Carpenter, Cockrum, Cowgill, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Donaldson, Donham, Doughty, Douthit, Geddes, Graham, Gunn, Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Hudson, Humphreys, Hunt, King, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Marrs, Mayfield, McConnell, McDonald, Miller, Morris, Mudgett, Nelson, Scudder, Shanklin, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells and Withers—59.

Those who voted in the negative were,

Messrs. Beach, Buskirk, Chowning, Dobson, Eccles, Foster, Gibson, Hanna, Hart, Hay of Clark, Howell, Huffstetter, Lawrence, McAllister, McDowell, Owen, Porter, Ray, Reynolds, Schoonover, Smith of Marion, Struble, Wilson and Mr. Speaker—24.

So the bill was recommitted to the joint select committee on Revision with the instructions.

On motion by Mr. Buskirk,

Senate bill No. 59. A bill authorizing the Boards doing county business to declare water courses navigable.

Was taken from the table.

On motion by Mr. Buskirk,

The vote ordering the bill to a 3rd reading, was reconsidered.

Mr. Buskirk then submitted the following amendment to the bill:

SEC. —. The board of commissioners of the several counties shall have power to appropriate from the county treasury such sums of money, as they may deem necessary to remove obstructions from such streams as have been heretofore declared navigable by law, or may be hereafter declared navigable, under the provisions of this act; and to require the supervisor of any district through which such streams may run, to call out the hands of such district as many days besides the two days mentioned in the third section of this act, as may be necessary to remove obstructions from such streams.

Mr. Donaldson moved to amend the amendment as follows:

So that no person shall be required to work more than four days in any one year.

On motion by Mr. Behm,

The bill and pending amendments were laid on the table.

On motion by Mr. McDowell,

Senate bill No. 127. A bill for the establishment and regulation of county Libraries,

Was taken from the table.

The question being put on the adoption of the following pending amendment, viz:

Amend section 1st, "to be applied to the purpose of district school libraries in the several townships of the county."

It was disagreed to.

The bill was then ordered to a third reading.

HOUSE BILLS ON THIRD READING.

No. 251. A bill for the regulation of the penitentiary,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Behm, Brady, Bryant, Buskirk, Chowning, Cowgill, Crawford, Crim, Davis of Franklin, Davis of Sullivan, Dice, Donaldson, Donham, Douthit, Eccles, Foster, Geddes, Gibson, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Howell, Hudson, Huffstetter, Humphreys, Hunt, King, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Marrs, Mayfield, McAllister, McConnell, McDonald, McDowell, Morris, Mudget, Nelson, Owen, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of

Spencer, Staton, Stevens, Stover, Struble, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams, Withers, and Mr. Speaker—73.

Those who voted in the negative were,

Messrs. Bulla, Carpenter, Cromwell, and Doughty—4.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

No. 253. A bill concerning saline lands,

Was read a third time.

And the question being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Gibson, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Holladay, Holman, Howell, Hudson, Huffstetter, Humphreys, Hunt, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Marrs, Mayfield, McAllister, McConnell, McDowell, Morris, Mudgett, Nelson, Owen, Ray, Reynolds, Scudder, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams, Withers, and Mr. Speaker—73.

No person voted in the negative.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

No. 254. A bill fixing the per diem and mileage of the members of the General Assembly,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Davis of Sullivan, Dice, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Graham, Gunn, Hart, Hay of Clark, Hays

of White, Helmer, Henry, Hicks, Holladay, Howell, Huffstetter, Humphreys, Hunt, Kent, Lawrence, Leviston, Lindsey of Fayette, Linsday of Howard, Litchfield, Marrs, Mayfield, McAllister, McConnell, McDonald, McDowell, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Sweet, Taggart, Thompson, Walker, Wells, and Mr. Speaker—70.

Those who voted in the negative were,

Messrs. Davis of Franklin, Hanna, King, Major, Shanklin, Sumner, Watson, and Withers—8.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

No. 255. A bill prescribing the duties of Treasurer of State, Was read a third time.

The question then being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Howell, Humphreys, Hunt, Kent, Lawrence, Leviston, Lindsey of Fayette, Linsday of Howard, Litchfield, Major, Marrs, Mayfield, McAllister, McConnell, McDowell, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stevens, Stover, Struble, Sweet, Taggart, Thompson, Watson, Wells, Williams, Withers and Mr. Speaker—76.

No person voted in the negative.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

The Speaker laid before the House the following communication and the accompanying report from the Commissioners on Law Reform:

COMMISSIONERS' ROOM, }
 INDIANAPOLIS, May 11, 1852. }

HON. WM. H. ENGLISH,

Speaker of the House of Representatives:

SIR:—You will please lay before the body over which you have the honor to preside, the Report of the Commissioners on Law Reform, herewith presented.

We are, very respectfully,

WALTER MARCH,
 G. W. CARR,
 LUCIAN BARBOUR.

On motion by Mr. Holman,
 The report was laid on the table.

On motion by Mr. Stover,
 House bill No. 249. A bill prescribing the powers and duties of Auditor of State;
 Was taken from the table and ordered to be engrossed.

No. 199. A bill providing for the election and qualification of justices of the peace and defining their jurisdiction, powers and duties in civil cases;

Was read a third time;

By unanimous consent of the House,

On motion by Mr. Gookins,

The 65th section of the bill was amended by striking out the word "plaintiff," and insert "appellee."

Mr. King moved to recommit the bill to the Judiciary committee, with the following instructions:

1st. In section 24, after the words "about to leave the State," add the words "or the county."

2d. Strike out section 70, and insert "costs shall follow judgment in the appellate court, except that when justice requires it, the court may equitably apportion the costs between the parties."

3d. In section 79, strike out "six months," and insert "ninety days."

The House considered the instructions separately.

The question being put on agreeing to the 1st instruction,
 It was agreed to.

The question being put on agreeing to the 2d instruction,
 The ayes and noes were demanded by Messrs. Behm and King.

Those who voted in the affirmative were,

Messrs. Behm, Bryant, Bulla, Carpenter, Cowgill, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Donaldson, Doughty, Foster, Geddes, Graham, Gunn, Hart, Helmer, Holladay, Holman, Howell, Hunt, King, Lawrence, Lewis, Mayfield, McDowell, Shanklin, Stevens, Sumner, Taggart, Thompson, Walker, Watson, and Withers—34.

Those who voted in the negative were,

Messrs. Beach, Beane, Brady, Buskirk, Chowning, Crawford, Dice, Dobson, Donham, Douthit, Eccles, Gibson, Hanna, Hay of Clark, Henry, Hudson, Huffstetter, Humphreys, Leviston, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Marrs, McAllister, McDonald, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Scudder, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stover, Struble, Sweet, Wells, Williams and Mr. Speaker—43.

So the instruction was not agreed to.

The question then being put on agreeing to the third instruction.

It was disagreed to.

Mr. Behm moved to amend the instructions as follows:

Strike out all of section 4 to the word "it" in the third line and insert:

Whenever a vacancy has occurred in the office of justice of the peace from any cause whatever, either by resignation or otherwise.

Which was disagreed to.

Mr. Holman moved to amend the instructions as follows:

Add to section 121 the words, "and if the plaintiff die after execution has issued the same shall be executed and returned as if such plaintiff were living."

Which was agreed to.

Mr. Reynolds offered the following amendment to the instructions:

Strike out three and insert two in 3d line of section 1.

And the question being put,

The ayes and noes were demanded by Messrs. Reynolds and Behm.

Those who voted in the affirmative were,

Messrs. Carpenter, Chowning, Crawford, Crim, Cromwell, Donaldson, Donham, Doughty, Douthit, Foster, Gibson, Gunn, Hays of White, Henry, Holman, Howell, Leviston, Lindsey of Fayette, Litchfield, McDowell, Porter, Reynolds, Schoonover, Shanklin,

Stanfield, Stevens, Stover, Struble, Sumner, Thompson, Wells, and Williams—32.

Those who voted in the negative were,

Messrs. Beach, Beane, Behm, Brady, Bryant, Bulla, Buskirk, Cockrum, Cowgill, Davis of Franklin, Davis of Sullivan, Dice, Eccles, Geddes, Gookins, Hanna, Hay of Clark, Helmer, Holladay, Hudson, Huffstetter, Humphreys, Hunt, King, Lawrence, Lewis, Lindsay of Howard, Major, Mayfield, McAllister, McDonald, Morris, Mudget, Nelson, Owen, Ray, Scudder, Smith of Marion, Smith of Spencer, Staton, Sweet, Taggart, Walker, Watson, Withers and Mr. Speaker—46.

So the amendment was disagreed to.

On motion by Mr. Buskirk,

By unanimous consent of the House,

The said instructions were agreed to and adopted as amendments to the bill without recommitting.

And the question being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Brady, Bryant, Bulla, Buskirk, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Douthit, Eccles, Geddes, Gibson, Gookins, Hanna, Hart, Hay of Clark, Hays of White, Henry, Holman, Howell, Hudson, Huffstetter, Humphreys, Hunt, King, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Marrs, Mayfield, McAllister, McConnell, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams, Withers and Mr. Speaker—71.

Those who voted in the negative were,

Messrs. Carpenter, Davis of Franklin, Doughty, Foster, Gunn, Helmer, Holladay, Major, and McDowell—9.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

By unanimous consent of the House,

Mr. Owen obtained leave and made the following report:

MR. SPEAKER :

The select committee on Revision to whom was referred House bill No. 45, relative to negroes and mulattoes with instructions, have amended the same accordingly, report the same back, recommend its passage, and ask to be discharged from further consideration of the subject.

Mr. Behm moved to concur in the report of the committee with the following amendment:

Add the section reported by the committee to the 6th section of the bill.

Which was agreed to.

The question then recurred on the passage of the bill ;

And being put,

Those who voted in the affirmative were,

Messrs. Beach, Beane, Bryant, Buskirk, Chowning, Crawford, Crim, Dobson, Donaldson, Donham, Eccles, Foster, Gibson, Gookins, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holman, Howell, Hudson, Huffstetter, Humphreys, Hunt, Leviston, Lewis, Lindsey of Fayette, Linsday of Howard, Litchfield, Major, Marrs, McAllister, McDowell, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Stover, Struble, Taggart, Thompson, Walker, Wells, Williams, Withers, and Mr. Speaker—52.

Those who voted in the negative were,

Messrs. Behm, Bulla, Carpenter, Cockrum, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Doughty, Douthit, Geddes, Gunn, Holladay, Lawrence, Mayfield, McConnell, Morris, Mudget, Nelson, Smith of Spencer, Stanfield, Staton, Stevens, Sumner, Sweet, and Watson—26.

So the bill passed.

And the question being on agreeing to the title,

On motion by Mr. Davis of Sullivan,

The House adjourned.

2 o'clock, P. M.

The House met.

Mr. Owen submitted the following amendment to the title:

"An act to enforce the 13th article of the Constitution."

Which was agreed to.

Ordered that the Clerk inform the Senate of the passage of the bill.

By unanimous consent of the House,

Mr. Bryant made the following report:

MR. SPEAKER:

The committee on Temperance, to which was referred House bill No. 243, has had the same under consideration, and instructed me to report the same back with a recommendation to strike out from the enacting clause, and insert the following amendment:

That all laws and parts of laws now in force, authorizing the granting of license to vend or retail spirituous or strong liquors, are hereby repealed.

SEC. 2. Before any retailing of spirituous or strong liquors in quantity less than one gallon, shall be allowed in any city, town or township of this State, the consent in writing of a majority of the voters of such city, town, or township, shall be filed with the county auditor; which consent shall be renewed annually, with the affidavit of two respectable voters thereto attached, verifying the fact, that the names obtained constitute such majority, and that the signatures are genuine.

SEC. 3. Any person who shall retail any spirituous or strong liquors in any city, town, or township, without the consent of a majority of its legal voters having been first filed as aforesaid, shall, for every such offence, be fined in any sum not less than five nor more than fifty dollars; and adulterated wines shall be deemed strong liquors, within the meaning of this act.

SEC. 4. Any person who shall sell, barter or give away any spirituous or strong liquors to a minor, either directly or indirectly, or who shall permit or encourage any other person to barter, sell or give any spirituous or strong liquors to any minor, in his or her house, out-house, yard or garden, or appurtenance thereto, shall be fined in any sum not less than twenty-five, nor more than one hundred dollars.

SEC. 5. Any person who shall barter or sell any spirituous or strong liquors to any person on Sunday, except for medicinal purposes, shall be fined in any sum not less than one, nor more than twenty dollars.

SEC. 6. Any person who shall barter, sell or give away any spiritous or strong liquors to any person whatever, by means whereof such person shall become intoxicated, shall keep, board, and take care of such person until he or she shall be able, without assistance, to return home in safety; and upon failure so to do, it shall be lawful for any other person so to do, or cause the same to be done, and to recover from the vendor or giver of such spiritous or strong liquor the amount of all necessary expenses so incurred, and a reasonable compensation for such service with fifty per cent. damages by action in any court of competent jurisdiction.

SEC. 7. It shall not be lawful for any municipal corporation, directly or indirectly, by means of any special tax or otherwise, to exact or receive from any retailer of spiritous or strong liquors, any sum or sums of money by way of taxation or compensation for the privilege of retailing the same.

SEC. 8. Nothing contained in this act shall be so construed as to prevent the sale, by retail, of spiritous or strong liquors, for medicinal or mechanical purposes, by any person who shall file with the treasurer of the proper county a bond payable to the State of Indiana, in the penal sum of five hundred dollars, with surety to be approved by such treasurer, and conditioned that such sales shall be for the purposes specified in this section, and for the payment of all costs that may be assessed for violations of this act.

SEC. 9. Any person who shall sell, barter or give away any spiritous or strong liquors at any election, or within one mile of any election, before four o'clock in the afternoon of the day of such election, except for the purposes specified in the 8th section of this act, and by the persons therein authorized to sell the same, shall, for every such offence, be fined in any sum not less than five, nor more than twenty dollars.

On motion by Mr. Owen,

The bill and pending amendments were laid on the table.

By unanimous consent of the House,

Mr. Dobson made the following report:

MR. SPEAKER:

The select committee to whom was referred bill 191, have had the same under consideration, and have directed me to report the same back with the following amendment, and recommend its passage:

Strike out after the word "further" in the second proviso, and insert the following; "that said company are not authorized, by virtue of this act, to remove the following mill dams, viz: that of Berry & Merrill, and of Andrew Palmer, near Maysville, in Daviess county, that of Thomas Clark, in Greene county, formerly known as Tally's dam, that of George W. Moore, in Owen county, formerly known as Abrell's dam, that of Findly B. Johnson, in Owen county,

near Spencer—heretofore erected in said river, but may make suitable locks through or around the same.

The amendment was concurred in, and the bill ordered to be engrossed.

Senate bill, No. 128. A bill providing for the election, and prescribing certain duties of the clerk of the supreme court;

Was read a third time.

The question being, Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holman, Howell, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, Laverty, Lawrence, Leviston, Lewis, Lindsey of Fayette, Linsday of Howard, Litchfield, Major, Marrs, Mayfield, McAllister, McConnell, McDonald, McDowell, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams, Withers, and Mr. Speaker—85.

No person voted in the negative.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

No. 130. A bill providing for the appointment, and prescribing the duties and liabilities of deputies of certain officers;

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gookins, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holman, Howell, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, Laverty, Lawrence, Leviston, Lewis, Lindsey of Fayette, Linsday of Howard, Litchfield, Major, Marrs, Mayfield, McAllister, McConnell, McDowell, Morris, Mudget, Nelson, Owen, Porter,

Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams, Withers and Mr. Speaker—83.

No person voted in the negative.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

No. 131. A bill touching townships and the boundaries thereof;
Was read a third time.

On motion by Mr. Holman,
The bill was laid on the table.

No. 132. A bill prescribing the manner of compelling officers to give new bonds and additional sureties;
Was read a third time.

On motion by Mr. Buskirk,
The bill was laid on the table.

No. 134. A bill to provide for the appointment of a sheriff of the supreme court, and prescribing certain of his duties and fees;
Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Graham, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holman, Howell, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, Lavery, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Marrs, Mayfield, McAllister, McConnell, McDonald, McDowell, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Stevens, Stover, Struble, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, Withers, and Mr. Speaker—79.

Mr. Williams voted in the negative.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

Mr. Owen called up House bill

No. 207. A bill providing for the surrender of the public works,

Which was lost on its passage some days since, there not being a constitutional vote given therefor.

On motion by Mr. Owen,
The bill was recommitted with the following instructions:
Insert in section 5, after the word "same," the words "And all bridges belonging to the State in Putnam county."

No. 135. A bill to regulate the toll of grist mills, and prescribing certain duties of millers;

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Behm, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Gibson, Gookins, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Hicks, Holman, Howell, Hudson, Huey, Huffstetter, Humphreys, Hunt, Laverty, Lawrence, Levison, Lindsey of Fayette, Lindsay of Howard, Marrs, Mayfield, McAllister, McConnell, Morris, Mudget, Nelson, Owen, Porter, Ray, Schoonover, Scudder, Shanklin, Staton, Stevens, Stover, Struble, Sweet, Taggart, Thompson, Walker, Watson, Wells, and Mr. Speaker—67.

Those who voted in the negative were,

Messrs. Brady, Davis of Franklin, Henry, Lewis, Litchfield, McDonald, Smith of Marion, Smith of Spencer, Sumner, Williams, and Withers—11.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

On motion by Mr. Buskirk,
Senate bill No. 132. A bill prescribing the manner of compelling officers to give new bonds and additional sureties,
Was taken from the table.
After debate,

On motion by Mr. Buskirk,
The bill was laid on the table.

By unanimous consent of the House,
Mr. Holman made the following report, viz:

MR. SPEAKER:

The Judiciary committee, to which was referred House bill No. 238, entitled "a bill concerning interest on money," with a specific instruction, have performed the duty required and report back the bill with an amendment as required by the instructions, and ask to be discharged from the further consideration of the subject.

Add to the bill the following section:

SEC. —. The provisions of this act shall apply to all corporations in the same manner and to the same extent as the same shall be construed to apply to natural persons.

The question being put on concurring in the report of the committee,

The ayes and noes were demanded by Messrs. Holman and Withers.

Those who voted in the affirmative were,

Messrs. Beach, Behm, Brady, Bryant, Bulla, Buskirk, Chowning, Crawford, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dobson, Donham, Doughty, Eccles, Foster, Gibson, Gookins, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Hicks, Holman, Howell, Hudson, Huey, Humphreys, Kent, Laverty, Lawrence, Leviston, Lewis, McAllister, McDowell, Morris, Owen, Porter, Ray, Reynolds, Schoonover, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Taggart, Thompson, Walker, Watson, Williams, Withers, and Mr. Speaker—59.

Those who voted in the negative were,

Messrs. Beane, Carpenter, Cockrum, Dice, Douthit, Geddes, Henry, Huffstetter, Hunt, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Marrs, Mayfield, McConnell, Mudgett, Nelson, Scudder, Shanklin, Sumner, and Sweet—22.

So the report was concurred in.

Mr. Nelson moved to recommit the bill contained in the foregoing report, with the following instructions:

Provide that the provisions of this act shall not be so construed as to conflict with the provisions of any laws heretofore passed during this session.

And the question being put,

The ayes and noes were demanded by Messrs. Nelson and Holman.

Those who voted in the affirmative were,

Messrs. Beane, Bryant, Buskirk, Carpenter, Chowning, Cowgill, Crawford, Davis of Sullivan, Dice, Donaldson, Donham, Douthit, Eccles, Geddes, Gookins, Hays of White, Henry, Hicks, Holladay, Howell, Huey, Huffstetter, Humphreys, Lawrence, Lindsey of Fayette, Lindsay of Howard, Litchfield, Marrs, Mayfield, McConnell, Morris, Mudget, Nelson, Owen, Ray, Reynolds, Schoonover, Scudder, Shanklin, Sweet, Thompson, and Wells—42.

Those who voted in the negative were,

Messrs. Beach, Brady, Bulla, Cockrum, Crim, Cromwell, Davis of Franklin, Dobson, Doughty, Foster, Gibson, Graham, Gunn, Hanna, Hart, Hay of Clark, Helmer, Holman, Hudson, Hunt, Kent, Laverly, Leviston, Lewis, Major, McAllister, McDonald, McDowell, Porter, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Taggart, Walker, Watson, Williams, and Mr. Speaker—41.

So the bill was recommitted with the instructions.

Mr. Holman moved to suspend the order of business to enable him to submit a resolution.

Which was disagreed to.

On motion by Mr. Buskirk,

Senate bill No. 132. A bill prescribing the manner of compelling officers to give new bonds and additional sureties;

Was taken from the table.

By unanimous consent of the House,

On motion by Mr. Buskirk,

The bill was amended as follows:

After the word "bond," at the end of the 14th section, insert the following:

And no such signing such bond by said additional sureties shall render the same void or voidable as to such officer or the original sureties thereto, but the same shall be valid and binding in law upon such officer, and upon his original and additional sureties, precisely as if the same had been signed, sealed and delivered by such officer, and all of said sureties, before the same was first filed and accepted.

The question being, Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Davis of Franklin,

Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Geddes, Gookins, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay Holman, Howell, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, Laver-ty, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Marrs, Mayfield, McAllister, McConnell, McDonald, McDowell, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams, Withers and Mr. Speaker—51.

Mr. Foster voted in the negative.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

By unanimous consent of the House,

Mr. Owen made the following report:

MR. SPEAKER:

The select joint committee on Revision, to whom was referred House bill No. 207, relative to the public works, with instructions, have amended the same as instructed, report the same back, and ask to be discharged from the further consideration of the subject.

Which report was concurred in.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Bryant, Buskirk, Chowning, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Eccles, Foster, Geddes, Gibson, Gookins, Hanna, Hart, Hay of Clark, Hays of White, Henry, Hicks, Howell, Huey, Huffstetter, Humphreys, Hunt, Kent, Lawrence, Lewis, Litchfield, McAllister, McConnell, McDonald, Morris, Nelson, Owen, Porter, Ray, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Stover, Sumner, Sweet, Taggart, Wells, Williams and Withers—51.

Those who voted in the negative were,

Messrs. Bulla, Cockrum, Cowgill, Crim, Cromwell, Davis of Franklin, Doughty, Douthit, Graham, Helmer, Holman, Hudson, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Mayfield, McDowell, Mudget, Reynolds, Staton, Stevens, Struble, Walker, Watson, and Mr. Speaker—26.

So the bill passed.

On motion by Mr. Owen,
The title of the bill was amended so as to read,
"A bill regarding the public works of the State."

Ordered that the Clerk inform the Senate of the passage of the bill.

By unanimous consent of the House,
Mr. Ray obtained leave and introduced,

No. 271. A bill giving validity to a certain class of contracts;
Which was read a first time and passed to a second reading.

On motion by Mr. Stover, Senate bill

No. 148. A bill touching the laying out and vacation of certain towns, &c.;

Was taken from the table.

The question pending, being on ordering the bill to a 3d reading,
It was agreed to.

On motion by Mr. Smith of Marion,

Three additional members were added to the committee on Enrolled Bills.

Messrs Crawford, Sale and Cowgill were appointed on said committee.

Senate bill No. 136. A bill transferring the duties of county agent to county auditor;

Was read a third time.

And the question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beane, Brady, Bryant, Buskirk, Chowning, Cockrum, Cowgill, Crawford, Crim, Davis of Sullivan, Dice, Donaldson, Donham, Douthit, Foster, Geddes, Gibson, Gookins, Graham, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holman, Howell, Huey, Huffstetter, Humphreys, Hunt, Kent, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Major, Marrs, Mayfield, McAllister, McConnell, McDowell, Morris, Nelson, Owen, Porter, Ray, Reynolds, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Sweet, Taggart, Thompson, Walker, Watson, Wells, Withers and Mr. Speaker—67.

Those who voted in the negative were,

Messrs. Bulla, Carpenter, Cromwell, Davis of Franklin, Dobson,

Doughty, Eccles, Gunn, Litchfield, McDonald, Mudget, Sumner and Williams—13.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

House bill No. 265. A bill prescribing the duties of coroners;
Was read a second time and considered as in Committee of the Whole, and reported to the House without amendment.

Mr. Smith of Spencer moved to amend the bill as follows:

When the coroner is present it shall be his duty to summons the jurors.

Which was disagreed to.

The bill was ordered to be engrossed.

A message from the Senate by Mr. Dunn their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following resolution, in which the concurrence of the House is respectfully requested.

WHEREAS, Senate amendment to House bill No. 70, extending the jurisdiction of courts of common pleas from five hundred to one thousand dollars, in certain actions, has not been enrolled;

Therefore be it resolved, That the Secretary of State be instructed to enroll said bill in accordance to that amendment, by striking out the words "five hundred" in sections 11 and 12 of the original bill, and inserting in lieu thereof the words "one thousand."

The resolution contained in the foregoing message was concurred in.

Ordered, that the clerk inform the Senate thereof.

House bill No. 195. A bill dividing the State into counties and defining their boundaries, and defining the jurisdiction of such as border on the Ohio and Wabash rivers.

The question being on its engrossment,

Mr. Gibson moved that the bill be considered as engrossed and that it be read a 3d time now.

Which was agreed to.

Mr. Donham moved that the House adjourn.

Which was disagreed to.

The said bill was then read a third time;

The question being on the passage of the bill,

Pending which,
Mr. McConnell from the committee on Enrolled Bills made the following report :

MR. SPEAKER :

The committee on Enrolled Bills have compared the following enrolled with the engrossed bills of the House of the corresponding number, and find the same correctly enrolled:

No. 59. An act to provide for the incorporation of railroad companies.

No. 61. An act to prevent the destruction of, or injury of animals, and the destruction of human life, by railroads, and to provide compensation for the same.

Whereupon the Speaker signed the same.

Ordered, that the Clerk inform the Senate thereof.

Mr. Smith of Marion, chairman of the committee on Enrolled Bills, made the following report :

MR. SPEAKER :

The committee on Enrolled Bills have compared the following enrolled with the engrossed bill of the House of the corresponding number, and find the same correctly enrolled :

No. 230. An act to create a special term of the Tippecanoe court of common pleas.

Whereupon the Speaker signed the same.

Ordered that the clerk inform the Senate thereof.

Mr. Laverty, from the joint committee on Enrolled Bills, made the following report :

MR. SPEAKER :

The joint committee on Enrolled Bills have this day presented to His Excellency the Governor, for his approval enrolled bills of the House numbered 59 and 61.

Mr. Laverty, from the joint committee on Enrolled Bills, made the following report :

MR. SPEAKER :

The joint committee on Enrolled Bills have this day presented to His Excellency the Governor, for his approval enrolled bills of the House numbered 110 and 230.

A message from the Senate by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bills of the House:

No. 218, entitled "an act to regulate electric telegraph companies."

No. 227. An act touching vacancies in office, and filling the same by appointment.

No. 228. An act regulating the election and duties of State Librarian.

No. 229. An act concerning the general fund, and the expenditures chargeable thereon.

No. 235. An act concerning the assignment of judgments and decrees.

Without amendment.

A message from the Senate by Mr. Dunn their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the engrossed amendment of the House to the engrossed bill of the Senate

No. 121, entitled "A bill for the incorporation of high schools, academies, colleges, universities, theological institutions, and missionary boards."

Also, engrossed bill of the House

No. 217. An act concerning unlawful detention of lands, and the recovery thereof.

Without amendment.

On motion by Mr. Lindsay of Howard.
The House adjourned.

WEDNESDAY MORNING, 8 o'clock, }
May 12, 1852. }

The House met.

The Journal was partly read.

When,

On motion by Mr. Withers,

The further reading of the journal was dispensed with.

Mr. Smith of Marion, chairman of the committee on Enrolled Bills, made the following report:

MR. SPEAKER :

The committee on Enrolled Bills have compared the following enrolled with the engrossed bills of the House of the corresponding numbers, and find them correctly enrolled:

No. 79. An act authorizing the construction of plank, McAdamized and gravel roads.

No. 214. An act concerning promissory notes and bills of exchange.

Whereupon the Speaker signed the same.

Ordered that the clerk inform the Senate thereof.

PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. McDonald:

Memorials from sundry ladies and gentlemen of Lake county, on the subject of temperance, praying the passage of a law similar to the Maine law;

Which,

On motion,

Were referred to the committee on Temperance.

By Mr. Carpenter:

A memorial from sundry citizens of Vanderburgh county, praying the passage of a law similar to the Maine law;

Which,

On motion,

Was referred to the committee on Temperance.

REPORTS FROM COMMITTEES.

Mr. Crim, from the committee on Elections, made the following report:

MR. SPEAKER:

The committee on Elections, to whom was referred the petition of sundry persons of Wayne county, asking the formation of an additional place of voting in said county, have directed me to make the following report:

Your committee have examined said petition, and find the prayer of said petitioners is contained in the general law regulating elections, and ask to be discharged from the further consideration of the subject.

The committee were discharged.

Mr. Holman, chairman of the committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary committee, to which was referred House bill No. 238, entitled "An act concerning interest on money," with specific instructions, have performed the duty required, and report back the bill with the amendment required, and ask to be discharged from the further consideration of the subject.

Add the following section:

SEC. —. The provisions of this act shall not be so construed as to conflict with the provisions of any law heretofore passed during this session.

Mr. Holman moved to concur in the report of the committee, with the following amendment:

All citizens of this State shall have the same rights in borrowing or loaning money, or selling their notes or bonds, as may be conferred on corporations by any law of this State.

And the question being put,

The ayes and noes were demanded by Messrs. McDonald and Kent.

Those who voted in the affirmative were,

Messrs. Beeson, Brady, Bulla, Chowning, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Graham, Gunn, Hanna, Hart, Hay of Clark, Helmer, Hicks, Holman, Howell, Huffstetter, Humph-

reys, Kent, King, Lavery, Lawrence, Leviston, Lewis, Lindsay of Howard, Marrs, Mayfield, McAllister, McDonald, McDowell, Miller, Owen, Porter, Ray, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Struble, Sumner, Watson, Williams, Withers and Mr. Speaker—56.

Those who voted in the negative were,

Messrs. Beach, Beane, Behm, Bryant, Cockrum, Cowgill, Crawford, Dobson, Gookins, Henry, Holladay, Hudson, Hunt, Lindsey of Fayette, Litchfield, Major, Mudget, Nelson, Reynolds, Schoonover, Scudder, Stover, Sweet, Taggart, Thompson, Walker, Wells, and Wilson—28.

So the amendment was agreed to.

The question then being put on concurring in the report of the committee, with the amendment,

The ayes and noes were demanded by Messrs. Holman and Gibson.

Those who voted in the affirmative were,

Messrs. Beeson, Brady, Bulla, Carpenter, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Donaldson, Donham, Doughty, Douthit, Geddes, Gibson, Gunn, Hay of Clark, Helmer, Hicks, Kent, King, Leviston, Lewis, Lindsay of Howard, Mayfield, McDonald, McDowell, Ray, Smith of Marion and Walker—29.

Those who voted in the negative were,

Messrs. Beach, Beane, Behm, Bryant, Chowning, Cockrum, Cowgill, Crawford, Dobson, Eccles, Foster, Gookins, Graham, Hanna, Hart, Hays of White, Henry, Holladay, Holman, Hudson, Huffstetter, Humphreys, Hunt, Lavery, Lawrence, Lindsey of Fayette, Litchfield, Major, Marrs, McAllister, McConnell, Miller, Morris, Mudget, Nelson, Owen, Porter, Schoonover, Scudder, Shanklin, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Sumner, Sweet, Taggart, Thompson, Watson, Wells, Williams, Wilson, Withers and Mr. Speaker—56.

So the report with the amendment was not concurred in.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Behm, Bryant, Chowning, Cockrum, Crim, Cromwell, Dobson, Douthit, Foster, Gibson, Gookins, Graham, Hanna, Hart, Hay of Clark, Hays of White, Holladay, Holman, Howell, Hud-

son, Huffstetter, Humphreys, Kent, King, Lavery, Leviston, Lewis, Major, Marrs, Mayfield, McAllister, McDonald, McDowell, Owen, Porter, Ray, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stover, Struble, Sumner, Taggart, Walker, Wells, Williams, Wilson and Mr. Speaker—52.

Those who voted in the negative were,

Messrs. Beane, Beeson, Bulla, Carpenter, Cowgill, Crawford, Davis of Franklin, Davis of Sullivan, Dice, Donaldson, Doughty, Eccles, Geddes, Gunn, Helmer, Henry, Hicks, Hunt, Lawrence, Lindsey of Fayette, Lindsay of Howard, Litchfield, McConnell, Miller, Morris, Mudget, Nelson, Schoonover, Stevens, Sweet, Thompson, Watson and Withers—33.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

By unanimous consent of the House,

Mr. Withers had leave to change his vote from the negative to the affirmative on the passage of House bill No. 45, on yesterday.

Mr. Leviston chairman of the committee on Corporations made the following report:

MR. SPEAKER:

The committee on Corporations to whom was referred the petition of sundry citizens of the town of Belleville, in the county of Posey, praying for the repeal of an act, entitled No. 272 "an act to annex the town of Belleville to the town of Mount Vernon, have had that subject under consideration, and have directed me to report the following bill and recommend its passage.

The bill was read a first time and passed to a second reading.

Mr. Stover, from the select joint committee on Revision, made the following report:

MR. SPEAKER:

The select joint committee on Revision to whom was referred House bill No. 143, a bill to provide for the punishment of offenses against the right of suffrage, have directed me to report the same back, and recommend that the same be laid upon the table, inasmuch as the provisions of the same have been incorporated in the law on the subject of misdemeanors.

Which report was concurred in, and the bill laid on the table.

Mr. Owen from the select joint committee on Revision made the following report:

MR. SPEAKER:

The select joint committee on Revision, to whom was referred House bill No. 137, providing for a general and uniform system of common schools, report the same back with one amendment, namely, to strike out the same from the enacting clause and insert a substitute; and thus amended, they recommend its passage, and ask to be discharged from the further consideration of the subject:

That there shall be annually assessed and collected, as the State and county revenues are assessed and collected—

First. On the list of property taxable for State purposes, the sum of fifteen cents on each one hundred dollars.

Second. There shall be paid by every person liable to pay a poll tax for State purposes, the sum of twenty-five cents annually: *Provided*, That all taxes required or authorized by this act in any provision thereof, shall be assessed only upon free white persons, and upon the property of such persons only.

SEC. 2. The funds heretofore known and designated as the congressional township fund, the surplus revenue fund, the saline fund, the bank tax fund, shall, together with the fund which shall be derived from the sale of the county seminaries and the property belonging thereto, from the fines assessed for breaches of the penal laws of the State, and from all forfeitures which may accrue, all lands and other estates which shall escheat to the State for want of heirs or kindred entitled to the inheritance, all lands which have been or may hereafter be granted to the State, where no special purpose is expressed in the grant, and the proceeds of the sales thereof, including the proceeds of the sales of the swamp lands granted to the State of Indiana by the act of Congress of the 28th September, 1850, and deducting the expense of selecting and draining the same, the taxes which may from time to time be assessed upon the property of corporations for common school purposes, the fund arising from the one hundred and fourteenth section of the charter of the State Bank of Indiana, and unreclaimed fees as provided by law, shall be denominated the common school fund, the income of which, together with the taxes mentioned and specified in the first section of this act, shall be applied to the support of common schools.

SEC. 3. The several counties of this State shall be held liable for the preservation of said fund, and the payment of the annual interest thereon, at the rate established by law.

SEC. 4. Each civil township in the several counties of this State is hereby declared a township for school purposes, and the trustees of such township are hereby declared to be trustees also for school purposes, and their clerk and treasurer shall be the clerk and treasurer for school purposes also.

SEC. 5. Such clerk shall keep a record of the proceedings of such

board of trustees, and discharge such duties as may from time to time be required of him.

SEC. 6. The treasurer shall give an official bond, for the use of the township, in such sum and with such surety as may be approved by such board.

Such treasurer shall collect all rents and debts belonging to his township, receive from the county treasurer all sums apportioned to his township for educational purposes, or which may be raised by any tax voted by the inhabitants of his township for any purpose authorized by this act, and pay out the same according to the orders of such board. He shall keep accurate accounts of his receipts and expenditures, and settle with the board of trustees once in each year, and oftener if required, and discharge all other duties required of him.

SEC. 8. Such board shall take charge of the educational affairs of the township, employ teachers, and visit the schools, either as a board or by one of their number, at least twice during each term thereof.

SEC. 9. They shall cause to be prepared a map of their township, on which shall be marked annually the residence of the scholars in such township, within the ages prescribed by law; they shall also establish and conveniently locate in the said township a sufficient number of schools, not exceeding one for every thirty resident scholars.

SEC. 10. They shall have charge of all school houses, make contracts for the building and repair thereof, and provide suitable furniture and fuel. They shall, at the annual township meeting, exhibit a complete account of receipts and expenditures during the year preceding such annual meeting, and an estimate by items of the probable amount required for building and repairing school houses, furniture, fuel and apparatus, for the action of the township.

SEC. 11. They shall present, for the decision of such meeting, the erection or removal to a more eligible site, of any school house, with plans and probable expenses of any new one, or of removal. *Provided, however,* That in case no provision is made by such meeting for building, removing, repairs, furniture or fuel, such trustees may provide therefor out of any funds in their hands.

SEC. 12. They shall, on or before the 20th day of September in each year, make an enumeration of the children within their respective townships, between the ages of seven and seventeen years, distinguishing between seven and twelve, and twelve and seventeen; and shall ascertain by inquiry to which school parents and guardians desire to send, and shall enrol accordingly for one year, and furnish to each teacher a list of children assigned to him. But nothing herein contained shall prevent minors between the ages of seventeen and twenty-one, and children between the ages of five and seven years, from attending such school.

SEC. 13. When persons can be better accommodated at the

school of an adjoining township, the trustees of the township in which such persons reside, shall transfer them for educational purposes to such adjoining township, and notify the trustees of the same, of such transfer; and in any enumeration the children of such persons shall be regarded as belonging to the township to which they have been transferred; and such persons shall, for educational purposes, be voters in such adjoining township only.

SEC. 14. They shall require each common school teacher to file with the clerk of such board, at the expiration of each school term, a complete report, verified by affidavit, of the number of scholars admitted during such term, distinguishing between male and female, and between the ages of five and twelve, and twelve and twenty-one years, the average attendance, books used, branches taught, and number of pupils engaged in the study of each branch; and until such report shall have been so filed, such trustees shall make no payment to such teacher for services.

SEC. 15. They shall present, at the annual township meeting, a statement exhibiting the number of children in the township between the ages of seven and seventeen years, distinguishing between male and female, and between the ages of seven and twelve, and twelve and seventeen years, the number of schools, the number of teachers, male and female, the number of children, male and female, who have attended school during the past year, distinguishing between those above and those below the age of twelve, the average attendance, length of school terms, compensation of teachers, male and female, amount of public funds apportioned to the township, additional amount raised by vote of the township, appraised value of real and personal property of such township, condition of school houses and furniture, and estimated value thereof, number and condition of books in the library, value and condition of school apparatus, and a complete statement, by items, of their expenditures.

SEC. 16. In visiting schools they shall examine the mode of teaching, government, books used, adaptation of school houses and furniture to the comfort and health of the scholars, condition of such school houses and furniture, and all matters connected with the comfort and efficiency of the schools.

SEC. 17. They may dismiss teachers for incompetence, immorality or neglect of duty, and suspend from the privileges of school any pupil found guilty of disorderly conduct, which suspension shall not extend beyond the current session, nor shall such dismissal prejudice the claim of a teacher for services rendered prior to the time of dismissal.

SEC. 18. Whenever a majority of the parents or guardians of the pupils attending a school shall present to the trustees of the proper township, a complaint in writing of the misconduct, inefficiency, or incompetency of the teacher, such trustees shall forthwith investigate the cause of complaint, and if such complaint be properly sustained, shall dismiss the teacher.

SEC. 19. Such board may establish graded schools, or a modification thereof, where such establishment is practicable and convenient, and in such case they shall so classify the children of their township as to secure all equitable participation in the advantages thereof.

SEC. 20. They shall, on or before the first day of October in each year, furnish to the county auditor and circuit superintendent, a full report of their proceedings, embracing all the information contained in the statement which they are required by this act to make to the annual township meeting.

SEC. 21. They may call a special meeting of the voters of the township, whenever in their opinion the interests of the township require it, giving twenty days notice thereof; and they shall call such meeting, when required in writing to do so by twenty of the voters of the township; whenever a special meeting is called, the notice shall specify time, place, and object, and be set up in three public places in the township.

SEC. 22. Whenever a township tax shall be voted for school purposes, such trustees shall make out and file with the county auditor a list of so much of the taxable property in the township, with the names of the owners thereof, as belongs to such persons as may have been transferred for educational purposes to an adjoining township, and also to such persons as may, for the same purposes, have been transferred to the township, which shall be situate in the township of such persons' residence, unless the same be in an adjoining county.

SEC. 23. The auditor shall take for his guide the assessment of the property of the township for State and county purposes, deducting therefrom the property of persons transferred to another township, and adding thereto the property of persons transferred from other townships, and shall make the proper assessment thereof, in the same manner as for State and county revenue, shall add the amount of said tax to his duplicate in an appropriate column, and the said taxes shall be collected by the county treasurer as other revenues, and the said treasurer shall pay the same, upon the warrant of the auditor, to the treasurer of the proper township.

SEC. 24. Every person transferred for educational purposes to a township of an adjoining county, shall pay to the treasurer of such township a sum equal to the tax voted by such township, computing the same upon the property of such person in the township where he resides, according to the valuation thereof by the proper assessor, and in default of such payment shall be debarred from educational privileges in the township to which he may have been transferred, and the trustees of the said township shall notify the trustees of the township in which he resides of such exclusion.

SEC. 25. The tax payers may pay such special tax at any time to the township treasurer, whose receipt shall be received by the county treasurer as evidence of payment.

SEC. 26. When any board of trustees shall neglect to file with the

county auditor an enumeration of the children of the township as hereinbefore provided, the county auditor shall employ a competent person to take the same, and allow a reasonable compensation for such services, and shall proceed to recover the same in the name of the State of Indiana, for the use of common schools, by action against the said trustees, in their individual capacity; and in such suit such auditor shall be a competent witness. A copy of such enumeration shall forthwith be forwarded by the auditor to the circuit superintendent.

SEC. 27. If a township trustee fail to discharge any of the duties of his office, any person may maintain an action against him for every such offence, in the name of the State of Indiana, and may recover for the use of the common school fund, any sum not exceeding ten dollars.

SEC. 28. Any person elected or appointed a township trustee, who shall fail to qualify and serve as such, shall pay the sum of five dollars, to be recovered as specified in the preceding section, for the use therein named.

Of the distribution of School funds.

SEC. 29. The state superintendent shall, annually, by the third Monday in February, in each year, make out a statement showing the number of scholars in each county of the state, the amount of funds in the hands of county treasurers for distribution, and the proportional amount to which each county is entitled, and shall file the same with the auditor of state, who shall arrange the necessary transfers between the counties; and in case it shall be found inconvenient to draw upon those counties having an excess, in favor of those counties having a deficiency, the county treasurer, (on being thereto requested by the treasurer of state,) shall pay such excess into the state treasury, and payment shall be made to those counties having a deficiency, directly from the state treasury; and to enable him to make such distribution, county treasurers, at the time of making their annual settlement, shall furnish to the state superintendent a statement of money in their hands.

SEC. 30. A copy of such annual statement shall be forwarded to each of the circuit superintendents, who shall inform all county auditors and treasurers in his circuit of the sum to which their county is entitled. Such circuit superintendent shall also furnish to all auditors and treasurers in his circuit, a statement of the amount to be distributed to each of the incorporated cities, or towns, and townships of such counties, according to the number of scholars in each.

SEC. 31. County treasurers shall annually, on the fourth Monday of March, make distribution in accordance with such annual statement, of the funds applicable to school purposes, upon warrant of the county auditor, by paying the same to treasurers of incorporated cities, towns, and townships of the county.

SEC. 32. Incorporated cities and towns shall constitute school corporations, independent of the townships in which they may be situated, and shall be entitled to the proportional amount of school funds to which the number of children between the ages prescribed by law will entitle them; and shall, by trustees elected by the people, or by officers appointed by the corporation, perform all the duties required of township trustees,—prepare and file with the county auditor and circuit superintendent all the reports required of, and be subject to all the liabilities of such trustees; shall have power, by a vote of the qualified voters of such corporation, or by an ordinance, to levy taxes for the support of their schools, after the public funds shall have been exhausted,—for the building, repairing, and hiring of school houses,—for the purpose of leasing ground therefor,—for the furnishing thereof,—for the establishment or increase of school libraries, and for all other incidental expenses. They shall have power to establish graded schools, and generally to do and perform all other acts which, by this act, are authorized to be done and performed by township trustees: *Provided, however,* That in case any school district within the limits of such city or town, shall have heretofore contracted debts for school purposes, the said city or town shall make provision for the payment thereof. The same transfers may be made for educational purposes from the neighborhood of any such city or town, to such city or town, and on the same terms and conditions as are hereinbefore provided in relation to transfers from one township to another.

Of the investment of the Common School fund.

SEC. 33. The principal of all moneys belonging to the common school fund, and received into the county treasury, shall be loaned, and the interest paid for the support of schools, as provided in this act.

SEC. 34. Such loans shall be made by the county auditor, who shall inform himself of the value of all real estate offered in pledge, and shall judge the validity of the title thereof; and all persons applying for a loan shall produce to said auditor title papers, showing a clear title in fee simple, without incumbrance, and not derived through any executor's or administrator's sale, or sale on execution.

SEC. 35. The said auditor shall appoint three appraisers to appraise any lands offered in mortgage.

SEC. 36. Such appraisers first being officially sworn, shall examine and appraise such land, and sign and give to the applicant a certificate, setting forth the fair cash value thereof at the time, without taking into consideration perishable improvements; the number of acres, and a description of the same by numbers of congressional visions, or of recorded lots, or by metes and bounds.

SEC. 37. In making such loans, preference shall be given to the inhabitants of the county, if the security be adequate.

SEC. 38. No land shall be received as security, unless situated in the county where the loan is made.

SEC. 39. The amount loaned to any person or company shall not exceed three hundred dollars.

SEC. 40. The person applying for a loan, shall file with the auditor the certificate of the clerk and recorder, showing that there is no incumbrance on said land, in either of their offices.

SEC. 41. Such person shall also make oath to the truth of an abstract of his title, and that there is no incumbrance or better claim, that he knows of.

SEC. 42. No such loan shall be made for a longer term than five years.

SEC. 43. The sum loaned shall not exceed one-half of the appraised value of the premises to be mortgaged, clear of all perishable improvements; and the auditor may reduce such sum when he may have reason to believe the valuation was not in proportion to the prices of similar property, selling in the vicinity.

SEC. 44. The auditor shall have power to administer all oaths, and take all acknowledgments required by this act.

SEC. 45. Mortgages taken for such loans shall be considered as of record from the date thereof, and shall have priority of all mortgages or conveyances not previously recorded, and of all other liens not previously incurred, in the county where the land lines.

SEC. 46. The auditor shall cause such mortgages to be recorded with due diligence, retaining the cost of recording out of the money borrowed.

SEC. 47. The rate of interest required shall be seven per cent. per annum, payable annually in advance.

SEC. 48. On failure to pay any instalment of interest, when the same becomes due, the principal sum shall forthwith become due and payable, and the note and mortgage may be proceeded on, and the money collected.

SEC. 49. The mortgage may be in substance as follows, to-wit: I, A. B., of the county of ———, in the State of Indiana, do mortgage to the State of Indiana, all [here describe the land] for the payment of ——— dollars, with interest, at the rate of seven per cent. per annum, payable in advance, according to the conditions of the note hereto annexed.

SEC. 50. The note accompanying the same may be in substance as follows, to-wit: I, A. B., promise to pay to the State of Indiana, on or before the ———, the sum of ———, with interest thereon at the rate of seven per cent. per annum, in advance, commencing on the ——— day of ———, 18—; and do agree that, in case of failure to pay any instalment of said interest, the said principal sum shall become due and payable, together with all arrears of interest; and on failure to pay such principal or interest when due, five per cent. damages shall be collected, with costs, and the premises mort-

gaged may be forthwith sold by the county auditor, for the payment of such principal sum, interest, damages and costs.

SEC. 51. On making loan of any such fund, the auditor shall draw his warrant in favor of the borrower upon the county treasurer, who shall charge it to the fund.

SEC. 52. All loans refunded, and all interest, shall be paid to the county treasurer, and his receipt shall be filed with the county auditor, who shall give the payer a quietus therefor, and make the proper entries.

SEC. 53. Whenever the amount due on any mortgage shall be paid, and the treasurer's receipt filed therefor, the auditor shall endorse on the note and mortgage, that the same have been fully satisfied, and surrender the same to the person entitled thereto, and on the production of the same thus endorsed the recorder shall enter satisfaction upon the record.

SEC. 54. When the interest or principal of any such loan shall become due and remain unpaid, the auditor shall proceed to collect the same by suit on the note, or by sale of the mortgaged premises, or both, at his option; he may, also, by action of ejectment, obtain possession of the mortgaged premises.

SEC. 55. In case of suit on the note, and judgment thereon, no stay of execution or appraisement of property shall be allowed.

SEC. 56. Before sale of mortgaged premises, the auditor shall advertise the same in some newspaper published in the county where the land lies, if any there be; otherwise in a paper in the State nearest thereto for three weeks successively, and also by notice set up at the court house door, and in three public places in the township in which the land lies.

SEC. 57. At such sale, which shall be held at the court house door, the auditor shall sell so much of the mortgaged premises to the highest bidder for cash, as will pay the amount due for principal, interest, damages and costs.

SEC. 58. In case of no bid for the amount due, the auditor shall bid in the same on account of the fund, and as soon thereafter as may be, shall sell the same to the highest bidder for cash, or on a credit of five years, interest at seven per cent. per annum, being payable annually in advance.

SEC. 59. Such sale may be in parcels, but shall not be for less than the amount chargeable on said land, and if more, the overplus shall be paid to the mortgagor, his heirs or assigns.

SEC. 60. The treasurer shall attend and make a statement of such sales, which shall be signed by the auditor and treasurer, and after being recorded in the auditor's office, shall be filed in the treasurer's office, and such record, or a copy thereof, authenticated by the auditor's or treasurer's certificate, shall be received as evidence of the matters therein contained.

SEC. 61. The deeds shall be executed by the county auditor, and shall be entered on the books of the county treasurer before delivery.

SEC. 62. When any land is bid off by the auditor, at such sale, no deed need be made therefor to the State, but the statement of such sale, and the record thereof made, shall vest the title in the State, for the use of the fund.

SEC. 63. Annual reports of the operations of their respective offices, in regard to loans, and payments for school purposes, and to all moneys received on account of the common school fund, shall be made by the county treasurer and auditor to the board of county commissioners, at the first session after the first day of March.

SEC. 64. Forms and modes of book-keeping for said offices shall from time to time be prescribed by the Auditor of State.

SEC. 65. The board of county commissioners shall, annually, at their first session after the first day of March, in the presence of the county auditor and treasurer, examine the accounts and proceedings of such officers in relation to said fund: they shall also inquire into the safety of the several loans made of said fund, and examine and compare the cash, notes and mortgages with the books and reports.

SEC. 66. Said board shall make a report of the result of such examination, showing:

First. The amount refunded and the amount re-loaned and the safety thereof;

Second. The amount of interest received and the amount paid over.

SEC. 67. Such report shall be entered on the records of said board, and copies thereof signed by members of the board, the auditor and treasurer, shall be transmitted to the Auditor of State and to the state superintendent of public instruction.

SEC. 68. Any member of the board of county commissioners, or any county auditor, or treasurer, neglecting to perform any of the duties required in the three preceding sections, shall be liable to indictment therefor, and to be fined in any sum not exceeding one hundred dollars, nor less than twenty dollars.

SEC. 69. The county auditor and treasurer shall receive for their services each two and a-half per cent. on all receipts, and disbursements of interest.

SEC. 70. The following fees only shall be charged in case of mortgage for loans:

To each appraiser	50 cents.
For recording mortgage	50 cents.
For drawing mortgage	50 cents.
For taking borrower's affidavit	10 cents.
Clerk and recorder's certificate each	25 cents.

State Superintendent.

SEC. 71. There shall be elected by the qualified voters of the State, at a general election, a state superintendent of public instruction, who shall hold his office for two years.

SEC. 72. He shall receive for travelling, postage, stationery, and

all other expenses, a sum not exceeding five hundred dollars per annum.

SEC. 73. He shall enter upon his official duties on the second Monday of November, succeeding his election, and shall subscribe an oath of office, which shall be filed in the office of secretary of state.

SEC. 74. The books and papers of his department shall be kept at the seat of government, where a suitable office shall be furnished by the State, at which he shall give attendance, when not absent on public business; and if the business of the office require it, he may employ a clerk, not more than six months in each year, at a salary of two dollars a day.

SEC. 75. It shall be the duty of the state superintendent, on his induction into office, to deliver an address before the State Board of Education, setting forth his views of the best method of giving efficiency to our educational system, with such suggestions as he may deem worthy of their consideration. He shall present an annual report containing a brief exhibit of his labors, the results of his experience and observation, noticing any imperfection in the operation of the system, and suggest the appropriate correction. He shall also prepare and append to said report, all statistical tables, the materials of which have been transmitted to his department by the circuit superintendents.

SEC. 76. It shall be his duty to spend annually on an average, at least ten days in each school circuit, superintending teachers' institutes, conferring with township trustees, counseling teachers, and delivering lectures on topics calculated to subserve the interests of popular education.

SEC. 77. He shall be *ex officio* President of the State Board of Education, preside at all meetings thereof, propose such measures for consideration and adoption as in his judgment may best subserve the interests committed to said board, and increase the efficiency of their individual labors, and submit for their inspection and approval a list of text books for schools, and a catalogue of suitable works for school libraries.

SEC. 78. He shall superintend the purchase of township libraries, under such regulations as the State Board of Education may adopt, and report to said board his proceedings in relation thereto.

SEC. 79. He shall receive, and promptly determine appeals from circuit superintendents, exercise such supervision over the educational funds as may be necessary to ascertain their safety and secure their preservation, and cause to be instituted in the name of the State of Indiana, for the use of the common school fund, all suits necessary for the recovery of any portion of said fund.

SEC. 80. He may require of county auditors, treasurers, circuit superintendents, township trustees, clerks and treasurers, copies of all reports by them required to be made, and all such other information in relation to the duties of their respective offices, and the con-

dition of the funds and property of common schools, and the condition and management of such schools as he may deem important.

SEC. 81. He shall prepare and transmit to the proper officers suitable forms and regulations for making all reports and conducting all necessary proceedings under this act, and all necessary instructions for the better organization and government of common schools.

SEC. 82. He shall cause as many copies of this act, with the forms, regulations and instructions aforesaid, to be from time to time printed and distributed amongst the school townships, as he shall deem the public good to require.

SEC. 83. The annual report of the superintendent shall be made to the General Assembly, when that body is in session; otherwise to the Governor, who shall cause the same to be published, and communicate a copy thereof to the next General Assembly.

SEC. 84. With the report of his labors and observations, he shall present:

A statement of the condition and amount of all funds and property appropriated to purposes of education.

A statement of the number of common schools in the State, the number of scholars in attendance, their ages, sex, and branches taught.

A statement of the number of private or select schools in the State, so far as the same can be ascertained, the number of scholars, their age, sex, and branches taught.

Estimates and accounts of the expenditures of the public school fund.

Plans for the management and improvement of the common school fund, and for the better organization of common schools.

Of Circuit Superintendents.

SEC. 85. The State shall be divided into fifteen circuits, for the election of circuit superintendents of common schools.

SEC. 86. The limits and designation of each of said circuits shall be as follows:

First Circuit. The counties of Steuben, Lagrange, DeKalb, Noble, Whitley, Allen and Huntington shall constitute the first circuit.

Second Circuit. The counties of Kosciusko, Marshall, Wabash, Miami, Fulton, Pulaski and Jasper shall constitute the second circuit.

Third Circuit. The counties of Elkhart, St. Joseph, Laporte, Porter, Lake and Starke shall constitute the third circuit.

Fourth Circuit. The counties of White, Benton, Warren, Fountain, Montgomery and Tippecanoe shall constitute the fourth circuit.

Fifth Circuit. The counties of Cass, Carroll, Clinton, Boone, Hamilton, Tipton and Howard shall constitute the fifth circuit.

Sixth Circuit. The counties of Adams, Wells, Grant, Blackford, Jay and Randolph shall constitute the sixth circuit.

Seventh Circuit. The counties of Delaware, Madison, Henry, Wayne, Rush, Fayette and Union shall constitute the seventh circuit.

Eighth Circuit. The counties of Hendricks, Marion, Hancock, Morgan, Shelby and Johnson shall constitute the eighth circuit.

Ninth Circuit. The counties of Putnam, Parke, Vermillion, Vigo, Clay and Owen shall constitute the ninth circuit.

Tenth Circuit. The counties of Greene, Sullivan, Knox, Daviess, Martin and Dubois shall constitute the tenth circuit.

Eleventh Circuit. The counties of Monroe, Brown, Bartholomew, Lawrence and Jackson shall constitute the eleventh circuit.

Twelfth Circuit. The counties of Decatur, Franklin, Jennings, Ripley and Dearborn shall constitute the twelfth circuit.

Thirteenth Circuit. The counties of Ohio, Switzerland, Jefferson, Scott, Clark and Floyd shall constitute the thirteenth circuit.

Fourteenth Circuit. The counties of Orange, Washington, Harrison, Crawford and Perry shall constitute the fourteenth circuit.

Fifteenth Circuit. The counties of Pike, Gibson, Posey, Vanderburgh, Warrick and Spencer, shall constitute the fifteenth circuit.

SEC. 87. Such circuit superintendents shall be elected by the qualified electors of the counties composing their respective circuits, at the general election, and shall continue in office for two years.

SEC. 88. They shall each reside in the circuit for which they shall be respectively elected, and shall enter upon the discharge of their duties on the second Monday of November succeeding their election.

SEC. 89. They shall visit annually every organized township in their circuit, and spend on an average, at least four days in each, to confer with township school trustees in reference to their schools, to inform and counsel them relative to their official duties, and the efficient discharge thereof, to visit as many schools in said township as practicable, observe the mode of teaching, government, school books, and general character of the school; point out any defects in their conduct, in the mode of teaching and government, and also in the school houses, seats, and furnishing thereof.

SEC. 90. Each circuit superintendent shall hold, at as early a period as may be deemed advisable, a teachers' institute within his circuit, and make all necessary arrangements for the session of said institute by the selection of a convenient place, provision of suitable instructors, notification of the teachers of the circuit, and the state superintendent.

SEC. 91. He shall examine all applicants for license, and if found qualified, license them as common school teachers in his circuit for one or two years, appoint a deputy in each county of his circuit, whose license shall be subject to his confirmation or rejection at his next return to the township of such teacher's residence or labors; keep a record of all licenses issued by himself or deputy, the date of their issue and the period of their expiration, and may revoke any license issued by himself or deputy, if at any time he finds the per-

son incompetent or negligent in duty. But such teacher's claims for services to the date of said revocation shall not be prejudiced thereby. No license issued by him or his deputy shall be in force for a longer period than two years, nor be valid out of his circuit. All licenses shall be gratuitous.

SEC. 92. He shall annually inspect the catalogue of each township library, and may, at his discretion, strike from said catalogue any book not recommended by the state board, and require it to be removed from said library. He shall likewise carry into execution decisions of the state board relative to the introduction of uniform text books in all the schools of his circuit.

SEC. 93. He shall receive all decisions of the township trustees, and decide such cases within three months after their submission. He shall also ascertain the state and condition of the educational funds in his circuit, in lands unsold or money loaned, and report their condition annually to the state superintendent.

SEC. 94. As a member of the board of education, he shall attend the annual meeting at Indianapolis, for which he shall receive the same mileage as county treasurers.

SEC. 95. He shall annually report to the state superintendent as to his circuit, the number of children in each county within the ages prescribed by law—the number of common schools—the number attending such schools, distinguishing between male and female, and between five and twenty-one years of age—the amount of tax voted by any township, town or city—the length of time the schools have been taught with the public funds—the length of time they have been taught with funds derived from voluntary taxation—the condition of the school houses and furniture—the number of private or select schools, so far as the same can be ascertained, and the number of pupils, their ages and sex, and branches taught—the average wages of teachers, and a condensed statement of the reports of township and other trustees, which annual report shall be made on or before the second Monday of November, in each year.

SEC. 96. He shall furnish to the state superintendent such information as may from time to time be required of him by that officer.

Lands belonging to Common Schools.

SEC. 97. The custody and control of all lands belonging to the common school fund, shall be with the trustees of the civil township in which the same shall be situated.

SEC. 98. They shall have power to lease such lands for any term not exceeding three years, reserving rents payable in money, property, or improvements to be made on the land.

SEC. 99. But if directed by a vote of a majority of the voters of such township, such leases may be made for any term not exceeding ten years.

SEC. 100. Townships may acquire land by devise or gift, and hold the same in accordance with such gift or devise.

SEC. 101. Such trustees shall have all rights and powers of a landlord, either in their official names, or in the corporate name of the township, in coercing fulfilment of contracts relating to such lands, and preventing waste or damage, or of recovery for the same when committed.

SEC. 102. Such trustees shall preserve all personal property belonging to such township, and may sell the same from time to time in such manner as will best promote the interests of such township.

SEC. 103. At any time when five voters of any township shall by petition to the trustees, set forth their desire for the sale of all or of any part of the land in such township, at any time before notice is given for the annual election of trustees, such trustees shall insert in such notice the further notice that a balloting will then be had to determine whether the land so petitioned for, shall be sold or not.

SEC. 104. A copy of such petition shall be entered on the book containing the record of the proceedings of such trustees, together with the time of its reception, and their action thereon.

SEC. 105. If a voter favor the sale of such land, he shall write on his ballot the word "sale;" if he oppose the sale, he will write the words "no sale."

SEC. 106. No such sale shall be allowed unless a majority of all the voters in such township shall vote in favor of it, and unless the number of votes constituting such majority shall exceed fifteen.

SEC. 107. A certificate showing the number of votes given for and against such sale shall be made out and signed, and within seven days after such election filed with the clerk of such township.

SEC. 108. Such trustees shall enter such return on their record books, and if satisfied that a majority and more than fifteen voters have voted for such sale, they shall enter their opinion on their record book, and shall proceed—

First. To divide the lands so voted to be sold into such lots as will insure the best price.

Second. To affix a minimum price to each lot, not less than one dollar and twenty-five cents per acre, below which it shall not be sold.

Third. To certify such division and appraisement to the proper county auditor, together with a copy of all their proceedings had in relation to the sale of said lands.

SEC. 109. Such certificate and return shall by such auditor be laid before the board of county commissioners at their first meeting thereafter, and said board, if satisfied that the requirements of the law have been substantially complied with, shall direct such land to be sold, which sale shall be conducted as follows:

First. It shall be made by the auditor and treasurer.

Second. Four weeks' notice of the same shall be given by post-

ing up notices thereof in three of the most public places in the township where the land is situated, and at the court house door, and by publication in a newspaper published in said county, if any, otherwise in the newspaper in the State nearest thereto.

SEC. 110. One-fourth of the purchase money shall be paid in hand, and interest for the residue for one year in advance, and the residue in ten years from such sale, with like interest, annually in advance.

SEC. 111. On failure to pay any such annual interest when the same becomes due, the contract shall become forfeited, and the land shall immediately revert to the township, and the auditor shall forthwith proceed again to sell the same on the terms above specified.

SEC. 112. If, on such second sale, such land shall produce more than sufficient to pay the sum owing therefor, with interest and costs, and five per cent. damages, the residue shall, when collected, be paid over to the first purchaser or his legal representative.

SEC. 113. At any time before sale, payment of the sum due, with interest for the delay, and all costs, together with five per cent. damages on the whole sum owing for said land, shall prevent such sale, and revive the original contract.

SEC. 114. In case of such forfeiture the original purchaser may be sued for waste or unnecessary injury done to such land.

SEC. 115. Such suit shall be prosecuted by the auditor in the name of the State, for the use of the common school fund.

SEC. 116. The former owner of such delinquent land, his heirs or assigns, may within one year after sale, redeem the same by paying to the purchaser, his heirs, executors, administrators or assigns, or by depositing with the treasurer of the proper county the amount of purchase money paid by such purchaser, with interest thereon, at the rate of ten per cent. per annum, together with all subsequent payments for taxes, interest or principal, which such purchaser or those claiming under him may have made thereon.

SEC. 117. When any land offered for sale shall remain unsold, the county auditor may dispose of the same at private sale for the best price that can be had therefor, not being less than the minimum price affixed thereto.

SEC. 118. A certified statement of such sale shall be made and signed by the auditor, and being first recorded by the county auditor in the records of the board of county commissioners, shall be delivered to the purchaser when he makes his first payment, and shall entitle him to a deed when the terms of such purchase shall have been fully complied with.

SEC. 119. Every purchaser, until forfeiture, shall be entitled to all the rights of possession before existing in such township, and of all rights and remedies for rents becoming due, or breaches of covenant accruing after his purchase under any lease existing at the time of his purchase, and for all waste committed thereafter.

SEC. 120. A purchaser at such sale, failing to make the first

payment as above required, shall pay ten per centum on the sum bid, to be recovered by action before any court having jurisdiction, to be prosecuted for by the county auditor, in the name of the State for the use of the common school fund, and the auditor and treasurer shall be competent witnesses.

SEC. 121. Assignments of certificates of purchase shall be valid only if acknowledged before the county auditor, who shall record the same.

SEC. 122. When a residue of purchase money becomes due, the purchaser may retain the same as a loan, from year to year, on payment annually in advance of the interest thereon, at the rate then established by law on loan of such funds; but he shall receive no deed until full payment is made, and the General Assembly may at any time hereafter so change the law as to require payment of such purchase money after the original credit has expired, giving the party one year's notice.

SEC. 123. Purchasers may at any time before due, pay a part or the whole of such purchase money.

SEC. 124. When any such certificate shall be lost or destroyed, before a deed be made, on proof thereof by affidavit of the person interested, or other competent testimony, to be filed with the county auditor, and after three months' notice of intention to apply for a new certificate, given in some newspaper published nearest to where the land lies, such auditor may issue the same to the person entitled thereto.

SEC. 125. Purchase money and interest, and all costs and damages above provided for, shall be paid to the treasurer of the proper county, and his receipt therefor filed by the person paying with the county auditor, who shall issue his quietus therefor.

SEC. 126. When such payment is in completion of any contract of sale, the amount of such receipt shall be endorsed by the county auditor on the certificate of purchase.

SEC. 127. On full payment for such land, a deed shall be executed by the county auditor, and entered on the record book of the board of county commissioners.

SEC. 128. Such deed shall be acknowledged at the cost of the grantee by the county auditor, as in other cases; and thus executed and delivered, shall vest in the grantee, his heirs and assigns forever, a complete title to the land.

SEC. 129. The voters of any township may, in the absence of a vote to sell land, and in lieu thereof, petition the board of township trustees for such sale; and such petition, if signed by a majority of all the voters of the township, shall, together with a certificate of the township trustees that it contains the names of a majority of the qualified voters of the township, be filed with the county auditor, and the same proceedings shall be had as are provided in the preceding sections upon a vote of the inhabitants of the township for such sale. Such petition and certificate shall also be re-

corded in the record book of the board of township trustees, and of the county auditor.

SEC. 130. When a majority of the voters shall, by petition, designate any place in the township as the place of sale of any school land, the said petition, duly certified and recorded in the record of the board of township trustees, shall be filed with the county auditor, who shall record the same, and thereupon such sale shall be held at such place in the township, instead of at the court house, as hereinbefore provided.

SEC. 131. All moneys derived from rents of a school section, or from lands heretofore acquired by a township for other than ordinary school purposes, shall be paid to the county treasurer.

Miscellaneous Provisions.

SEC. 132. The books, papers and accounts of any township trustees, their clerk or treasurer, shall be subject to the inspection of the county auditor, and of the board of county commissioners of the proper county.

SEC. 133. For the purpose of said inspection, said board of county commissioners and auditor may, by subpoena, summon before them any such trustees, clerk, or treasurer, and require the production of such books, three days' notice of the time to appear or produce being given.

SEC. 134. If such books have been imperfectly kept, said board of commissioners may correct them; and if fraud appear, shall remove the person guilty thereof.

SEC. 135. Process in suits against a school township shall be by summons executed by leaving a copy thereof with the clerk of such township ten days before the return day thereof.

SEC. 136. Suits brought on behalf of a school township, shall be brought in the name of the State of Indiana for the use of such township.

SEC. 137. When suit on behalf of or against a school township shall be entered in the circuit or supreme court, the prosecuting attorney of the proper circuit shall attend to the prosecution or defence of such township as part of his official duty.

SEC. 138. An appeal shall lie from the decision of a township meeting or of a board of township trustees to the circuit superintendent, and thence to the state superintendent, whose decision shall be final.

SEC. 139. Township trustees or any other persons conceiving themselves aggrieved by any decision, refusal or neglect of duty of a circuit superintendent may appeal to the state superintendent, whose decision shall be final.

SEC. 140. Any person who shall sue for or on account of any decision, act, refusal or neglect of duty of the township trustees, or of the circuit superintendent, for which he might have had an appeal

according to the provisions of the two preceding sections, shall not receive costs.

SEC. 141. No teacher shall be employed unless he be of good moral character, nor until he shall have procured a certificate of qualification as provided in this act.

SEC. 142. The voters of any township shall have power at any general or special meeting to vote a tax for the purpose of building or repairing school houses, and purchasing sites therefor, providing fuel, furniture, maps, apparatus, libraries or increase thereof, or to discharge debts incurred therefor, and for continuing their schools after the public funds shall have been expended, to any amount not exceeding annually, fifty cents on each one hundred dollars of property, and fifty cents on each poll.

SEC. 143. The words county auditor, in this act, shall be construed to mean the county auditor, or the clerk of the circuit court doing the business of such auditor.

SEC. 144. Debts heretofore contracted by any school district for school purposes, shall be provided for by the township or townships in which it is situated.

SEC. 145. School commissioners in counties where the office has not been heretofore abolished shall, at the term of the board doing county business, next after taking effect of this act, make final settlement of accounts with the county auditor, which settlement shall be entered upon the records of said board; shall deliver to such auditor all books, papers and securities for money loaned appertaining to his said office, and shall pay over to the county treasurer all moneys remaining in his hands as such commissioner: the office of school commissioner shall thereupon be abolished, and its duties shall thereafter be discharged by the county auditor and treasurer, as provided in this act.

SEC. 146. County auditors shall commence and prosecute to final judgment suits in the name of the State of Indiana, for the use of the common school fund, against any person who held the office of school commissioner, and his securities for, and in all cases where such defaulting person, or any of his sureties, shall have absconded or otherwise left the State of Indiana, the county auditor shall commence and prosecute to final judgment, in the name of the State of Indiana, for the use of the common school fund, writs of foreign and domestic attachment, against the goods, chattels, lands and tenements of such commissioner or surety, which said writ may be levied upon any property subject by the laws of this State to execution; and the proceedings in such case shall be governed by the statutes regulating proceedings in foreign and domestic attachment, except that the bonds required of individuals, shall be dispensed with.

SEC. 147. All common schools shall be open to the pupils thereof without charge.

SEC. 148. The auditor of state shall take an account of the amount of the surplus revenue fund heretofore distributed to the sev-

eral counties in this state, and also an account of the proportion to which each county would be now entitled, according to the number of taxable polls in each, and shall equalize the amount of state funds in each county according to population, as far as may be, by means of the saline and bank tax funds annually distributed from the state.

Township School Libraries.

SEC. 149. There shall be assessed, collected and paid, as the state and county revenues are assessed, collected and paid:

First. On the list of property taxable for state purposes, the sum of one quarter of one mill on each one dollar.

Second. There shall be paid by every person liable to pay a poll tax for state purposes, the sum of twenty-five cents: *Provided*, That said tax shall continue for two years only.

SEC. 150. The said taxes shall be applied exclusively to the purchase of township school libraries, under the direction of the state board of education, but no sectarian work shall be admitted into such libraries.

SEC. 151. The amount of said taxes, when collected, shall be paid by the county treasurers to the treasurer of state at the time of making their annual settlement, and shall be paid out by that officer upon the warrant of the auditor of state.

SEC. 152. Circuit superintendents shall, when such libraries have been received, distribute the same to the several townships within their respective circuits.

SEC. 153. Such libraries shall be in charge of the boards of township trustees,—shall be deemed the property of the township, and shall not be subject to sale nor alienation for any cause whatever.

SEC. 154. Such trustees shall be accountable for the preservation of said libraries,—may prescribe the time of taking, and the period of retaining books,—assess damages done to them by persons entitled to their use, and adopt rules and regulations necessary for their preservation and usefulness.

SEC. 155. The voters of the township may determine at any annual meeting, whether the said library shall be deposited at some central point, or at one or more eligible places in the township, for the convenience of scholars and families.

SEC. 156. Every family in the township shall be entitled to the use of one volume at a time from said library, although no member of such family attends school.

SEC. 157. The library shall be open to all persons entitled to its privileges, throughout the year, without regard to school sessions.

State Board of Education.

SEC. 158. The board shall consist of the state and circuit superintendents, who shall meet annually at Indianapolis, on the second

Monday of November, for the purpose of more effectually promoting the interests of education, by mutual conference, interchange of views, and experience of the practical operation of the system, the introduction of uniform school books, the adoption of the most eligible means of facilitating the establishment of township school libraries, and the discussion and determination of such questions as may arise in the practical administration of the school system.

Mr. Holman moved to amend the amendment as follows:

Add to the 2d section the words: "*Provided, however,* That the congressional township fund shall be applied to the benefit of the respective townships in which the same originated."

On motion by Mr. McDonald,

The bill and pending amendments were laid on the table.

On motion by Mr. McDonald,

The vote just taken, was reconsidered.

On motion by Mr. McDonald,

The bill and pending amendments were laid on the table, and 150 copies of the amendments ordered to be printed.

By unanimous consent of the House,

Mr. Davis of Sullivan obtained leave and offered the following resolution:

Resolved, That the Auditor of State be requested to ascertain from the President of the State Bank, if the interest which the State has in said Bank can be sold to the Bank, and if so, upon what terms.

Which was agreed to.

Mr. Nelson gave notice of his intention to introduce "a bill repealing all laws conflicting with the present laws regulating interest."

By unanimous consent of the House,

Mr. Behm obtained leave and introduced

No. 273. A bill to authorize railroad companies to increase the amount of their capital stock;

Which was read a first time and passed to a second reading.

Mr. Brady gave notice of his intention to introduce "a bill amendatory to the act incorporating the city of Indianapolis, so as to authorize the city council to borrow money."

Senate bill No. 64. A bill authorizing any company heretofore organized under the provisions of any general or special law of this State, for the purpose of constructing a plank, turnpike, gravel, McAdamized or coal road, to construct a railroad instead of such plank,

turnpike, gravel, McAdamized or coal road, and prescribing the manner in which such change may be made;

Was read a third time.

By unanimous consent of the House, the bill was amended,

On motion by Mr. Nelson,

As follows: Amend first section, after the word "heretofore," in the 4th line, insert the words, "or hereafter to be."

The question then being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beeson, Bulla, Carpenter, Cromwell, Dice, Dobson, Donaldson, Donham, Douthit, Eccles, Geddes, Graham, Gunn, Hays of White, Helmer, Henry, Hicks, Holladay, Huffstetter, Humphreys, Lawrence, Leviston, McAllister, McConnell, McDowell, Morris, Mudget, Nelson, Ray, Reynolds, Schoonover, Smith of Spencer, Sweet, Taggart, Walker, Watson, Wells, and Wilson—38.

Those who voted in the negative were,

Messrs. Beach, Beane, Behm, Brady, Bryant, Chowning, Cockrum, Cowgill, Crim, Davis of Franklin, Doughty, Gookins, Hanna, Hart, Hay of Clark, Howell, Hudson, Hunt, Laverty, Lewis, Litchfield, Major, Marrs, Mayfield, McDonald, Miller, Porter, Shanklin, Smith of Marion, Stanfield, Stover, Struble, Williams, Withers, and Mr. Speaker—35.

So the bill did not pass, there not being a constitutional vote given therefor.

On motion by Mr. McDonald,

No. 155. A bill to provide for the regulation and running at large of all kinds of animals;

Was taken from the table and referred to the select committee heretofore appointed on that subject.

House bill No. 195. A bill dividing the State into counties, and defining their boundaries, and defining the jurisdiction of such as border on the Ohio and Wabash rivers.

The bill having been read a third time on yesterday,

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Behm, Bryant, Bulla, Carpenter,

Chowning, Cockrum, Crawford, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gookins, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Hudson, Huffstetter, Humphreys, Hunt, Lavery, Lawrence, Leviston, Lewis, Lindsey of Fayette, Litchfield, Major, Marrs, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Stevens, Stover, Struble, Sumner, Sweet, Taggart, Watson, Walker, Wells, Williams, Wilson, Withers and Mr. Speaker—79.

No person voted in the negative.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

By unanimous consent of the House,

Mr. Hicks recorded his vote in the affirmative on the passage of bill No. 45, taken on yesterday.

On motion by Mr. Smith of Marion,

House bill No. 240. A bill prescribing the duties of Secretary of State;

Was taken from the table.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Brady, Bryant, Bulla, Chowning, Cockrum, Cowgill, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gookins, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Hudson, Huffstetter, Humphreys, Hunt, Lavery, Lawrence, Leviston, Lindsay of Howard, Major, Marrs, Mayfield, McAllister, McConnell, McDonald, McDowell, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Sweet, Taggart, Walker, Watson, Williams, Wilson, Withers, and Mr. Speaker—73.

No person voted in the negative.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

On motion by Mr. Beach,

Leave of absence was granted Mr. Buskirk the remainder of this week on account of the sickness of his family.

House bill No. 266. A bill to provide for the assessment and taxation of the stock of railroad, plank road, turnpike road, canal, slack water navigation and bridge companies situate in whole or in part in this State;

Was read a second time and considered as in committee of the whole, and reported to the House without amendment.

Mr. Hudson moved to indefinitely postpone the bill;

And the question being put,

The ayes and noes were demanded by Messrs. Hudson and McDowell.

Those who voted in the affirmative were,

Messrs. Behm, Brady, Bryant, Bulla, Cockrum, Cowgill, Crium, Cromwell, Doughty, Geddes, Gookins, Graham, Gunn, Holladay, Hudson, Laverty, Lawrence, Lindsey of Fayette, Marrs, Mayfield, Nelson, Owen, Smith of Spencer, Stevens, and Walker—25.

Those who voted in the negative were,

Messrs. Beach, Beane, Beeson, Chowning, Crawford, Davis of Sullivan, Dice, Dobson, Donaldson, Douthit, Eccles, Foster, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holman, Howell, Huffstetter, Humphreys, Hunt, Leviston, Lindsay of Howard, Litchfield, Major, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Mudget, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Stanfield, Staton, Struble, Sumner, Sweet, Taggart, Thompson, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—56.

So the bill was not indefinitely postponed.

Mr. Williams moved to amend the bill as follows:

Strike out "canal companies" wherever it occurs.

Mr. Holladay moved to amend the amendment as follows:

Nothing in this section contained shall be applicable to the Wabash and Erie Canal.

Mr. Holman moved to lay the amendment and the amendment to the amendment on the table;

And the question being put,

The ayes and noes were demanded by Messrs. Williams and Holman.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Brady, Chowning, Crawford, Davis of Sullivan, Dice, Donham, Douthit, Eccles, Foster, Hanna, Hart, Hays of White, Helmer, Henry, Hicks, Holman, Howell, Huffstetter, Humphreys, Leviston, Lindsey of Fayette, Linsday of Howard, Litchfield, Major, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Porter, Ray, Reynolds, Schoonover, Smith of Marion, Stevens, Struble, Sumner, Sweet, Taggart, Wilson, Withers, and Mr. Speaker—46.

Those who voted in the negative were,

Messrs. Behm, Bryant, Bulla, Cockrum, Cowgill, Crim, Cromwell, Davis of Franklin, Dobson, Donaldson, Doughty, Geddes, Gookins, Graham, Gunn, Hay of Clark, Holladay, Hudson, Hunt, Lawrence, Marrs, Mayfield, Mudgett, Nelson, Owen, Scudder, Shanklin, Smith of Spencer, Stanfield, Staton, Stover, Thompson, Walker, Watson, Wells, and Williams—36.

So the amendments were laid on the table.

On motion by Mr. Davis of Franklin,
The House adjourned.

2 o'clock, P. M.

The House met.

The question pending at last adjournment, being on ordering House bill No. 266 to be engrossed,

Mr. Hay of Clark submitted the following amendment to the bill:

Amend so that the tax collected shall be divided among the counties in proportion to the cost of the construction of the road, and buildings and appurtenances, in said counties.

Mr. English moved to lay the amendment on the table;

And the question being put,

The ayes and noes were demanded by Messrs. Hay of Clark and Graham:

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Chowning, Crawford, Crim, Dice,
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Donaldson, Donham, Eccles, Foster, Gookins, Hanna, Hart, Hays of White, Hicks, Huffstetter, Humphreys, Lewis, Major, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Mudget, Owen, Ray, Reynolds, Schoonover, Scudder, Struble, Sweet, Taggart, Wells, Williams, Wilson and Mr. Speaker—39.

Those who voted in the negative were,

Messrs. Behm, Brady, Bryant, Bulla, Carpenter, Cockrum, Cowgill, Davis of Franklin, Dobson, Douthit, Geddes, Graham, Gunn, Hay of Clark, Helmer, Henry, Holladay, Holman, Howell, Hudson, Hunt, King, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Litchfield, Marrs, Mayfield, Nelson, Porter, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Sumner, Thompson, Walker, Watson, and Withers—43.

So the amendment was not laid on the table.

Mr. Howell moved to reconsider the vote just taken.

Which was agreed to.

The question then recurred on laying the amendment on the table.

And being put,

The ayes and noes were demanded by Messrs. Struble and Bulla.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Chowning, Crawford, Crim, Dice, Donaldson, Donham, Eccles, Foster, Gookins, Hanna, Hart, Hays of White, Hicks, Howell, Huey, Huffstetter, Humphreys, Hunt, Litchfield, Major, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Mudget, Porter, Ray, Reynolds, Schoonover, Smith of Spencer, Struble, Sweet, Taggart, Wells, Williams, Wilson, Withers and Mr. Speaker—43.

Those who voted in the negative were,

Messrs. Behm, Brady, Bryant, Bulla, Carpenter, Cockrum, Cowgill, Davis of Franklin, Dobson, Douthit, Geddes, Graham, Gunn, Hay of Clark, Helmer, Henry, Holladay, Holman, Hudson, King, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Marrs, Mayfield, Nelson, Owen, Scudder, Shanklin, Smith of Marion, Stanfield, Staton, Stevens, Stover, Sumner, Thompson, Walker, and Watson—39.

So the amendment was laid on the table.

Mr. Stover moved to amend the bill as follows:

Insert after the word "year" in the 2d section these words: "in the several counties through which said work may pass.

Which was agreed to.

Mr. Carpenter moved to amend the bill as follows:

SEC. 3. Add in 3d line after the word "collected," "upon all non-residents."

Mr. English moved to lay the amendment on the table.

And the question being put,

The ayes and noes were demanded by Messrs. Carpenter and King.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Brady, Chowning, Crawford, Crim, Dice, Donaldson, Donham, Douthit, Eccles, Foster, Hanna, Hart, Hays of White, Helmer, Henry, Hicks, Holman, Howell, Huey, Huffstetter, Humphreys, Hunt, Leviston, Lewis, Major, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Mudgett, Porter, Ray, Reynolds, Schoonover, Scudder, Smith of Marion, Smith of Spencer, Staton, Stover, Struble, Sweet, Taggart, Thompson, Wells, Williams, Wilson, Withers and Mr. Speaker—53.

Those who voted in the negative were,

Messrs. Behm, Bryant, Bulla, Carpenter, Cockrum, Cowgill, Cromwell, Davis of Franklin, Dobson, Geddes, Gookins, Graham, Gunn, Hay of Clark, Holladay, Hudson, King, Lawrence, Lindsey of Fayette, Lindsay of Howard, Litchfield, Marrs, Mayfield, Nelson, Owen, Shanklin, Stanfield, Sumner, Walker and Watson—31.

So the amendment was laid on the table.

Mr. Hunt moved to amend the bill by excepting the Wabash and Erie Canal.

Mr. Holman moved to lay the amendment on the table;

And the question being put,

The ayes and noes were demanded by Messrs. Behm and Donaldson.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Brady, Chowning, Crawford, Crim, Dice, Donham, Douthit, Eccles, Hanna, Hart, Henry, Holman, Howell, Huey, Huffstetter, Humphreys, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Porter, Ray, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Struble, Sweet, Taggart, Wilson, Withers and Mr. Speaker—42.

Those who voted in the negative were,

Messrs. Behm, Bryant, Bulla, Carpenter, Cockrum, Cowgill, Cromwell, Davis of Franklin, Dobson, Donaldson, Geddes, Gookins, Graham, Gunn, Hay of Clark, Helmer, Hicks, Holladay, Hudson, Hunt, King, Lawrence, Lewis, Marrs, Mayfield, Mudget, Nelson, Owen, Scudder, Stanfield, Staton, Stevens, Stover, Sumner, Thompson, Walker, Watson, Wells, and Williams—39.

So the amendment was laid on the table.

Mr. McDonald called the previous question ;

Which was seconded and the main question ordered.

The main question being, shall the bill be engrossed ?

And being put,

The ayes and noes were demanded by Messrs. Hay of Clark and English.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Brady, Chowning, Crawford, Dice, Donaldson, Donham, Douthit, Eccles, Hanna, Hart, Hays of White, Henry, Hicks, Howell, Huey, Huffstetter, Humphreys, Leviston, Lindsey of Fayette, Litchfield, Major, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Porter, Ray, Reynolds, Schoonover, Smith of Marion, Smith of Spencer, Struble, Sweet, Taggart, Wells, Wilson, Withers, and Mr. Speaker—43.

Those who voted in the negative were,

Messrs. Behm, Bryant, Bulla, Carpenter, Cockrum, Cowgill, Crim, Cromwell, Davis of Franklin, Geddes, Gookins, Graham, Gunn, Hay of Clark, Helmer, Holladay, Hudson, Hunt, King, Lawrence, Lewis, Lindsay of Howard, Marrs, Mayfield, Mudget, Nelson, Owen, Scudder, Shanklin, Stanfield, Staton, Stevens, Stover, Sumner, Thompson, Walker, Watson, and Williams—38.

So the bill was ordered to be engrossed.

SENATE BILLS ON THIRD READING.

No. 134. A bill to establish and regulate ferries ;

Was read a third time.

Mr. McDowell moved to recommit the bill with instructions to strike out the first engrossed amendment of the House.

Which was disagreed to.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Dice, Dobson, Donaldson, Donham, Douthit, Eccles, Foster, Geddes, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holman, Howell, Hudson, Huey, Huffstetter, Humphreys, Hunt, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Marrs, Mayfield, McAllister, McDonald, Miller, Mudgett, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams, Wilson, and Mr. Speaker—72.

Those who voted in the negative were,

Messrs. Holladay, King, McDowell, Smith of Marion, and Sumner—5.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

No. 138. A bill providing for the election of clerks of the circuit court, and prescribing some of their duties ;

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Brady, Bryant, Bulla, Chowning, Cockrum, Cowgill, Crawford, Crim, Dice, Dobson, Donaldson, Donham, Douthit, Eccles, Foster, Gookins, Gunn, Hart, Hay of Clark, Helmer, Henry, Hicks, Holladay, Holman, Howell, Hudson, Huey, Huffstetter, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Marrs, McAllister, McDonald, McDowell, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Spencer, Staton, Stevens, Stover, Struble, Sumner, Sweet, Thompson, Watson, Wells, Williams, Wilson, Withers and Mr. Speaker—62.

Those who voted in the negative were,

Messrs. Hunt, King, Mayfield, Miller, Smith of Marion, and Taggart—6.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

No. 139. A bill to provide for the election of county sheriffs, and prescribing some of their duties;

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Bryant, Cockrum, Cowgill, Crawford, Crim, Cromwell, Dice, Dobson, Donaldson, Donham, Douthit, Eccles, Foster, Geddes, Gookins, Graham, Gunn, Hart, Hay of Clark, Henry, Hicks, Holladay, Howell, Hudson, Huey, Huffstetter, Humphreys, Hunt, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Marrs, Mayfield, McAllister, McDonald, McDowell, Miller, Morris, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Staton, Stevens, Stover, Struble, Sumner, Sweet, Thompson, Walker, Watson, Wells, Williams, Wilson, Withers and Mr. Speaker—66.

Those who voted in the negative were,

Messrs. Davis of Franklin, Smith of Marion, and Smith of Spencer—3.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

Mr. Graham moved the House adjourn;

Which was disagreed to.

On motion by Mr. Smith of Marion,

Leave of absence was granted Mr. Howell.

By unanimous consent of the House,

Mr. Cockrum obtained leave and introduced

No. 274. A bill in relation to navigable water courses, and the enjoyment thereof;

Was read a first time and passed to a second reading.

Mr. Laverty, from the joint committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The joint committee on Enrolled Bills have this day presented to His Excellency the Governor, for his approval enrolled bills of the House numbered 79 and 214.

On motion by Mr. McDonald,
The House adjourned.

THURSDAY MORNING, 8 o'clock, }
 May 13th, 1852. }

The House met.

The Journal was partly read,
 When,

On motion by Mr. Huffstetter,
 The further reading of the journal was dispensed with.

PETITIONS, &C. PRESENTED.

By Mr. Reynolds:

The communication of James Brownlee of Grant county in reference to the common school law.

Which,

On motion,

Was referred to the committee on Education.

On motion by Mr. Hay of Clark,

Leave of absence was granted Mr. Gibson.

On motion by Mr. Holman,

Leave of absence was granted Mr. Hart on account of the sickness of his family.

REPORTS FROM COMMITTEES.

Mr. Dobson from the committee on Claims, made the following report:

MR. SPEAKER:

The committee on Claims to whom was referred the claim in behalf of the heirs of the late Gov. Noble, have had the same under consideration and find that it has been presented to the Agent of State and acted on except a small part. The committee are unanimously of the opinion that the claim should not be the subject of legislation and ask to be discharged from the further consideration thereof.

Which report was concurred in.

Mr. Smith of Marion moved to refer the papers regarding the claim of the heirs of the late Governor Noble, referred to in the above report, to the committee on Ways and Means.

Which was disagreed to.

Mr. Smith of Marion, chairman of the committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The committee on Enrolled Bills have compared enrolled bill of the House No. 70, entitled "an act to establish courts of common pleas, and providing compensation for the Judges thereof," with the engrossed bill of the corresponding number and find the same correctly enrolled. The committee report the 5th section in accordance with the amendment agreed to by the committee of Free Conference which has been concurred in by both Houses, and properly endorsed by the Clerk of the House. The Senate passed a resolution which was concurred in by the House, authorizing the Secretary of State to enrol said bill with the amendment of the Senate to the 11th and 12th sections, striking out "five hundred" and inserting "one thousand." Before the passage of this resolution said bill had passed out of the hands of the Secretary of State into the hands of your committee. Without expressing any opinion as to the power of the legislature to concur by a resolution in an amendment to a bill after the same had passed into the hands of the proper officer for enrollment, or the right of the committee to compare an enrolled bill with anything save the engrossed bill and the amendments, it is deemed proper to submit the facts to the House. The committee entertained doubts as to their duty in this matter, and being actuated solely by a desire to carry out the wishes of the House, and being anxious to avoid subjecting ourselves to censure for a dereliction of duty or the assumption of power, they submit their action to the House for concurrence or rejection.

On motion by Mr. Gookins,

To appoint a committee of conference in relation to the engrossed amendment of the Senate to House bill No. 70, a bill to establish a court of common pleas, &c., on the subject of extending the jurisdiction of the court of common pleas to \$1,000;

It was agreed to.

Messrs. Gookins, Brady and Davis of Sullivan, were appointed said committee.

On motion by Mr. Smith of Marion,

The report and bill were laid upon the table.

Mr. Hicks, chairman of the committee on Printing, made the following report:

MR. SPEAKER:

The select committee on Printing, to whom was referred Senate

bill No. 125, a bill to provide for the election of State Printer and for the public printing, the binding and distribution of the laws, journals, and public documents, have had the same under consideration, and the majority have directed me to report the same back with the following amendments, and when so amended, to recommend its passage.

SEC. 1. At the present session of the General Assembly, there shall be elected by joint convention of the two Houses of the General Assembly, a State Printer, who shall serve for the term of four years from the first day of August, 1853, and at the session of 1857, and every four years thereafter, there shall in like manner be elected a State Printer, who shall serve for the term of four years, from the expiration of the term of the incumbent; and before entering upon the duties of his office, such printer shall give bond in the penal sum of five thousand dollars, for the faithful performance thereof, with sufficient surety, to be approved by the Secretary of State.

SEC. —. As the election of State Printer is designed to take place at the present session in order to afford the officer that may be elected ample time to make all necessary arrangements for the prompt execution of the public printing, an emergency exists for the immediate taking effect of this act, it is declared to be in force from and after its passage and publication in the Indiana State Sentinel and Indiana Statesman.

Amend the 5th section by striking out all after the word "binding," in the tenth line, and insert, "which binding, together with all other binding required by the State, shall be contracted for by the Secretary, Auditor, and Treasurer of State; and upon a certificate of the Secretary of State shall be audited and paid out of the State Treasury, as in the case of State Printing."

Mr. King moved to amend the first amendment of the committee as follows:

SEC. —. At the next annual election, the qualified electors of the State shall elect a State Printer, who shall serve for the term of four years, from the first day of August, 1853, and at the annual election in 1857, and every four years thereafter, there shall, in like manner, be elected a State Printer, by the qualified electors of the State.

Mr. Holman moved to lay the whole subject on the table.

And the question being put;

The ayes and noes were demanded by Messrs. Stanfield and Behm.

Those who voted in the affirmative were,

Messrs. Beach, Beeson, Brady, Chowning, Crawford, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Eccles, Hanna, Hart, Hays of White, Henry, Holman, Howell, Huey, Huffstetter, Hum-

phreys, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, McAllister, McConnell, McDowell, Miller, Mudgett, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Smith of Marion, Stover, Struble, Sweet, Taggart, Wells, Wilson, Withers, and Mr. Speaker—46.

Those who voted in the negative were,

Messrs. Beane, Behm, Bryant, Bulla, Carpenter, Cockrum, Cowgill, Crim, Cromwell, Davis of Franklin, Doughty, Douthit, Geddes, Gookins, Graham, Gunn, Hay of Clark, Helmer, Hicks, Holladay, Hudson, Hunt, King, Lawrence, Marrs, Mayfield, McDonald, Scudder, Shanklin, Smith of Spencer, Stanfield, Staton, Stevens, Suit, Sumner, Thompson, Walker, Watson, and Williams—39.

So the whole subject was laid on the table.

Mr. Hicks, chairman of the committee on printing, made the following minority report:

MR. SPEAKER:

The minority of the select committee on Printing, to whom was referred Senate bill No. 125, "a bill providing for the election of a State Printer and for the public printing, the binding and distribution of the laws, journals, and public documents," dissent from the recommendation of the majority of said committee in favor of the passage of said bill No. 125.

The minority recommend that said bill be laid upon the table, and that the provisions of sections 12, 13, 14, 15 and 16, in reference to the distribution of the laws, journals, etc., be incorporated into a separate and distinct bill.

The minority entertain much confidence in the propriety of its recommendation, and much reliance on the considerations leading to it.

The conclusive and substantial objections the minority have to the bill is, that *it provides for a continuance of the office of State Printer*, and for the election of *that officer by joint convention of the two houses of the General Assembly*.

The minority is of opinion that the office of State Printer ought to be abolished. It cannot perceive the force of suggestions offered in behalf of its continuance. On the contrary, many reasons of a political and economical nature induce strong conviction of the expediency of abandoning the old mode of providing for the State printing.

Not the least persuasive of these, is the fact that such an office constitutes a monopoly for the benefit and profit of a favored person

at the cost of the people, and in derogation of the interests of the entire class of printers in the State, outside the capital. This consideration the minority will refer to in another place. If, however, it should be determined to continue the office of State Printer, the mode proposed in the bill for the election of that officer by joint convention of the two branches of the Legislature is objectionable.

Legislative elections of officers for the public service are now, fortunately, well nigh obsolete. They are attended with difficulties, inconveniences and objections of so grave a character, that the new constitution, intending to avoid them, has devolved in most instances upon the people themselves, in their primary elections, the choice of public functionaries. The exertion of the least possible power by the Legislature is most in accordance with the spirit of that instrument, the genius of our institutions, and the instincts of the people.

There is no reason, but the poor one in this case of *precedent*, to continue the election of State Printer by the Legislature. It is a maxim that a bad usage is to be abolished; a useless precedent ought to be abandoned.

If the State Printer is to be retained among the official appendages of the State, he should be chosen at the ballot boxes in the popular elections. A preference of a popular vote over a Legislative election has already been decisively indicated by this Legislature, in its action in reference to a reporter of the Supreme Court. Why should it not, in this instance, acquiesce in its own recent, and almost unanimously established precedent? At all events, an election by the present Legislature would be premature and inexpedient.

There is no vacancy in the office till August, 1853, eighteen months from this time, and six months after the next session of the Legislature; an election, therefore, so far in advance of a vacancy, and in anticipation of the duties and in conflict with the privileges of the succeeding General Assembly, would be, the minority conceive, wholly unwarrantable, unprecedented, and without color of justice, right or expediency—a mere gratuitous, wanton and capricious freak of arbitrary power, as well as an officious and offensive invasion of the prerogatives and responsibilities of our successors on this floor.

This, the minority believe, is not called for by any public or private emergency, is not justifiable by any conceivable, existing, possible or probable exigencies. One of the amendments does, indeed, declare the election “is designed to take place the present session in order to afford the officer that may be elected ample time to make all arrangements for the prompt execution of the printing.” The Legislature, the minority presumes, could acquire but little credit for intelligence, and less for honesty, by a declaration to that effect.

It is sufficient answer to so transparent a picture, that the next State Printer goes into office in August, 1853—that there is no session of the Legislature till 1855, and consequently there will be no public printing required till that time. The minority think that from

August, 1853, to January, 1855, is sufficient time to make all the necessary arrangements.

The minority favored the adoption of what is called the "contract system"—that is the letting out, on sealed proposals containing bids, the public printing, binding and stitching, to the lowest bidder. Accordingly, a bill to carry out that system is herewith submitted as part of this report. This is the most economical and efficient mode of providing for the State printing.

An obvious and well known principle of political economy is, that competition reduces prices. Monopolies cost heavily, are maintained at the expense of those affected by them, and ought to be tolerated only when unavoidable. The office of State Printer is a monopoly under the proposed law; the choice of this favored monopolist is, virtually, restricted to the Capital of the State, and to the organ of a dominant political party. The reason is, he is in contact with the Legislature, and has immense advantages over competitors—he is morally certain to be the recipient of the State's bounty.

This is unjust and injurious to members of his craft elsewhere in the State. It excludes by usage as strong and a necessity as imperative as law itself, all other printers from participation in the chances of profit. It is a practical disability of all the printers except metropolitan ones. This is a great injustice to our own constituents.

The "contract system" removes this disability by throwing open the public printing to the free competition of all. This free competition of course will be attended with its usual advantages, reduction of prices. Thousands of dollars, no doubt, will be annually saved to the State by it.

If no pecuniary gain were the consequence of the adoption of the system, the practice of pampering and quartering a preferred central partizan organ on the public treasury at least should be abandoned, and it can only, or better be done by the establishment of the "contract system."

The prices of the work, proposed in the bill, are extravagant—press-work, for instance, rated at forty-five cents per token, can be done at twenty-five cents, and is very remunerative at that price. Composition, per thousand ems, is five cents higher in this bill than in the one heretofore passed by the House.

The passage of this bill is equivalent to a gratuity out of the Treasury to the extent of the excess above fair prices, and as such is an inexcusable imposition and fraud upon the people.

The "contract system" is the one required by the Constitution of Ohio, so important was it there deemed to erect a constitutional barrier against plunder of the public money. The law of that State to execute the constitutional provision is the basis of the one submitted now by the minority.

The minority is aware that the example of Congress under the "contract system" is adduced against such a plan of printing here. It is satisfied, however, that there was, in that instance, no fair test

of the plan. It is known there was a combination of the foes of the "contract system" to bring it into discredit, and break it down. They were unscrupulous and able partly to succeed in their designs. The history of that matter, however, only affords proof of the corruption and venality practiced and practicable under the old system.

In conclusion, the minority submit a bill—"to provide for the public printing"—based upon the "contract system," and invite the earnest attention of the House to its provisions and respectfully recommend its passage.

E. P. HICKS,
A. J. HAY,
ROBERT GEDDES,
Committee.

ORDERS OF THE DAY.

House bills on third reading.

No. 202. A bill prescribing the number and defining the powers and duties of constables;

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Brady, Bryant, Bulla, Carpenter, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Geddes, Gookins, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Howell, Hudson, Huey, Humphreys, Hunt, King, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Marrs, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Mudgett, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Suit, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—81.

No person voted in the negative.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

On motion by Mr. Owen,

House bill No. 243, "a bill to regulate the retailing of intoxicating liquors,"

Was taken from the table;

The question pending being on concurring in the amendments reported by the committee some days since,

Mr. Schoonover moved to amend the first section of the original bill as follows:

Strike out from section 6, the words "on Sunday," and insert "at any election, or within one mile of any election, before 4 o'clock in the afternoon of said election."

Which was agreed to.

On motion by Mr. Schoonover,

The bill was amended by striking out the 17th section.

Mr. Schoonover moved to amend the bill as follows:

In section 1 strike out "\$3000," and insert "\$1500."

Mr. Graham moved to amend the amendment by striking out "\$1500," and insert "\$500."

Which was disagreed to.

The question then being put on the adoption of Mr. Schoonover's amendment,

It was agreed to.

Mr. Schoonover moved to amend the bill as follows:

Strike out section 18, and insert,

The provisions of this act in regard to disorderly houses, and their abatement as nuisances, and penalties against the keepers thereof, shall apply to persons to whom license to retail intoxicating liquors shall have been legally granted, during the term for which they shall have been granted.

Mr. Graham moved to amend the bill by striking out sections 10, 11, 12 and 13.

And the question being put,

The ayes and noes were demanded by Messrs. Graham and McDowell.

Those who voted in the affirmative were,

Messrs. Beach, Beeson, Bryant, Chowning, Donham, Eccles, Graham, Gunn, Howell, Huffstetter, Humphreys, Lindsey of Fayette, McAllister, Miller, Morris, Ray, Scudder, Smith of Marion, Struble, Taggart, and Mr. Thompson—21.

Those who voted in the negative were,

Messrs. Beane, Behm, Brady, Bulla, Carpenter, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Donaldson, Doughty, Douthit, Geddes, Gookins, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Hunt,

King, Lawrence, Lewis, Lindsay of Howard, Litchfield, Major, Marrs, Mayfield, McDónald, McDowell, Mudget, Nelson, Owen, Porter, Réynolds, Schoonover, Shanklin, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Suit, Sumner, Sweet, Thompson, Walker, Watson, Wells, Williams, Wilson, and Withers—59.

So the sections were not stricken out.

Mr. Graham submitted the following amendment to the bill:

Section 1st—Strike out all after the word “township,” in the first line on second page, to the word “genuine,” inclusive.

Which was disagreed to.

Mr. Holladay moved to amend the bill as follows:

Section 3—Strike out the words “to the person,” and insert “a license to any person filing the proper bond.”

Which was agreed to.

Mr. English moved to amend the bill as follows:

That it shall, at each April election, be the duty of the inspector to inquire of each voter whether he is for or against license, and if a majority of those voting on the question, vote for license, then license may be granted to vend in such township, until the next April election,—otherwise no license shall be granted.

Mr. Douthit moved to lay the amendment on the table;

And the question being put,

The ayes and noes were demanded by Messrs. English and Graham.

Those who voted in the affirmative were,

Messrs. Beane, Bryant, Bulla, Carpenter, Chowning, Cockrum, Cowgill, Davis of Franklin, Dice, Donaldson, Doughty, Douthit, Geddes, Gookins, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Hudson, Lawrence, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Marrs, Mayfield, McConnell, Nelson, Owen, Porter, Scudder, Shanklin, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Sumner, Sweet, Thompson, Walker, Watson, Williams, and Withers—52.

Those who voted in the negative were,

Messrs. Beach, Beeson, Behm, Brady, Crawford, Crim, Cromwell, Davis of Sullivan, Dobson, Donham, Eccles, Foster, Graham, Huffstetter, Humphreys, Leviston, McAllister, McDonald, McDowell, Miller, Morris, Mudget, Ray, Réynolds, Smith of Marion, Suit, Taggart, Wells, Wilson, and Mr. Speaker—30.

So the amendment was laid on the table.

Mr. Doughty moved to amend the bill by striking out the word "culinary."

Mr. Withers moved to lay the amendment on the table.

And the question being put,

The ayes and noes were demanded by Messrs. Cowgill and Doughty.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Brady, Bryant, Bulla, Chowning, Cockrum, Crawford, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Douthit, Eccles, Geddes, Graham, Gunn, Hanna, Hays of White, Helmer, Hudson, Huffstetter, Humphreys, Hunt, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Marrs, Mayfield, McAllister, McConnell, Miller, Mudget, Owen, Porter, Ray, Reynolds, Schoonover, Shanklin, Smith of Marion, Stanfield, Staton, Stevens, Struble, Suit, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams, Wilson, and Mr. Speaker—60.

Those who voted in the negative were,

Messrs. Behm, Cowgill, Davis of Franklin, Dobson, Donham, Doughty, Gookins, Hay of Clark, Henry, Hicks, Holladay, Holman, Laverty, Major, McDowell, Nelson, Scudder, and Smith of Spencer—18.

So the amendment was laid on the table.

Mr. English moved to amend the bill as follows:

Nothing in this act shall be so construed as to prevent or restrain any citizen of this State of sound mind, from eating, drinking or wearing such articles as he may deem best for his own convenience and good.

Mr. Doughty moved to lay the amendment on the table.

And the question being put,

The ayes and noes were demanded by Messrs. English and Lindsay of Howard.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Behm, Bryant, Bulla, Carpenter, Chowning, Cowgill, Dice, Donaldson, Doughty, Douthit, Gookins, Gunn, Hanna, Helmer, Henry, Hicks, Holladay, Hunt, Laverty, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Litchfield, Marrs, Mayfield, McDonald, Morris, Mudget, Nelson, Owen, Porter, Scud-

der, Shanklin, Stanfield, Stover, Sumner, Sweet, Thompson, Walker, Watson, and Williams—44.

Those who voted in the negative were,

Messrs. Beeson, Brady, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dobson, Donham, Eccles, Geddes, Graham, Hay of Clark, Hays of White, Holman, Huffstetter, Humphreys, Lewis, Major, McAllister, McDowell, Miller, Ray, Reynolds, Smith of Marion, Smith of Spencer, Stevens, Suit, Ta gart, Wells, Wilson, Withers and Mr. Speaker—32.

So the amendment was laid on the table.

Mr. McDonald moved to amend the amendment reported by the committee as follows:

Strike out and insert,

SEC. —. All laws allowing the granting of license for the sale of spirituous liquors are hereby repealed.

SEC. —. Any person who shall sell spirituous liquors to a person intoxicated, shall be fined in any sum not exceding one hundred dollars.

SEC. —. Any person selling to any person by the glass or retail a sufficient quantity of spirituous liquor to intoxicate said person, and which said person shall become intoxicated by the drinking of said spirituous liquor, shall be fined in any sum not exceeding one hundred dollars.

Pending which,

On motion by Mr. Lewis,

The House adjourned.

2 o'clock, P. M.

The House met.

Mr. Gookins presented the credentials of Dilliard C. Donnohue, member elect from the county of Putnam, to supply the vacancy of the Hon. Bradford Glazebrook, deceased.

Mr. Dillard C. Donnohue was then sworn and entered upon the discharge of his duties.

The question pending at last adjournment, being on the adoption of the amendment offered by Mr. McDonald, to the amendment reported by the committee to House bill No. 243.

On motion by Mr. Holladay,
The amendment was laid on the table.

Mr. Beeson moved to amend the bill as follows:

Strike out that part that has reference to selling by the gallon, and insert "one quart," and also that part that has reference to granting permits to retail by a majority of the town or township.

Mr. Withers moved to lay the amendment on the table.

And the question being put,

The ayes and noes were demanded by Messrs. Beeson and Donham.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Bryant, Bulla, Carpenter, Chowning, Cockrum, Crim, Davis of Franklin, Dice, Donnohue, Doughty, Douthit, Gookins, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Hudson, Laverty, Lawrence, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Marrs, Mayfield, McDowell, Morris, Mudget, Nelson, Owen, Scudder, Shanklin, Smith of Spencer, Stanfield, Staton, Stover, Struble, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams and Withers—54.

Those who voted in the negative were,

Messrs. Beeson, Brady, Crawford, Dobson, Donham, Eccles, Foster, Geddes, Graham, Huffstetter, Humphreys, McAllister, Ray, Reynolds, Smith of Marion, Suit, Wilson and Mr. Speaker—18.

So the amendment was laid on the table.

Mr. Ray moved to amend the bill as follows, viz:

That the retailing of spirituous liquors shall be regulated by the several county courts in this State, no person shall sell a less quantity than one quart, unless he or she first files a bond for the sum of five hundred dollars for the keeping a decent house, and if it becomes a nuisance it may be removed by a petition of a majority of said town or township filing a petition in said court, and the clerk of said court may issue his warrant, and bring such vender before said court, who shall have a trial as in other cases, and judgment shall carry all cost as in other cases.

Be it further enacted that the vender in said bond give two freehold sureties, then a petition signed by twenty-four householders, which together shall be filed in the clerk's office of said county, then paying in said county treasury not less than five, nor more than five dollars which shall be regulated by said court; the county court shall then grant license as in all other cases.

On motion by Mr. Lindsay of Howard.

The amendment was laid on the table.

Mr. Smith of Spencer moved to amend the original bill as follows:
Strike out "township" wherever it occurs and insert "county."

Which was disagreed to.

Mr. Stover moved to amend the original bill by striking out the word "town" wherever it occurs.

Which was disagreed to.

On motion by Mr. Owen,

By unanimous consent of the House,

The bill was amended by striking out the words, "with the affidavit of two respectable voters thereto attached verifying the fact that the names obtained constitute such majority, and that the signatures are genuine," from the first section.

Mr. Smith of Spencer moved to amend the bill by striking out "township" and insert "each family."

Which was disagreed to.

Mr. Taggart moved to amend the amendment reported by the committee as follows:

Strike out section 4.

Which was disagreed to.

Mr. Taggart submitted the following amendment to the amendment:

If any person shall sell or give any spirituous liquor to any minor under the age of 18 years or shall sell or give any spirituous liquor to an individual who is at the time in a state of intoxication shall be fined in any sum not less than two nor more than ten dollars.

Which was agreed to.

The question being put on concurring in the amendments of the committee, as amended,

The ayes and noes were demanded by Messrs. Owen and Lindsay of Howard.

Those who voted in the affirmative were,

Messrs. Beach, Beeson, Brady, Bryant, Bulla, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis of Sullivan, Dice, Donham, Donnohue, Doughty, Foster, Geddes, Gookins, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Hicks, Holman, Hudson, Huey, Huffstetter, Humphreys, Hunt, Lavery, Lawrence, Lindsey of Fayette, Litchfield, Marrs, Mayfield, Miller, Morris, Nelson, Owen, Ray, Reynolds, Scudder, Shanklin, Stanfield, Staton, Stevens, Struble, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams, Wilson, and Withers—61.

Those who voted in the negative were,

Messrs. Beane, Davis of Franklin, Douthit, Henry, Holladay, Lewis, Lindsay of Howard, Major, McAllister, McDonald, McDowell, Mudget, Porter, Smith of Marion, Smith of Spencer, Stover, Suit, and Mr. Speaker—18.

So the amendments of the committee, as amended, were agreed to.

Mr. Owen moved to reconsider the vote just taken.

And the question being put,

The ayes and noes were demanded by Messrs. Owen and Lindsay.

Those who voted in the affirmative were,

Messrs. Beane, Beeson, Behm, Chowning, Cockrum, Cowgill, Davis of Franklin, Donham, Douthit, Geddes, Gookins, Hay of Clark, Henry, Holladay, Lewis, Lindsay of Howard, Litchfield, Major, Marrs, McDowell, Mudget, Owen, Porter, Smith of Marion, Stover, Suit, and Mr. Speaker—27.

Those who voted in the negative were,

Messrs. Beach, Brady, Bryant, Bulla, Carpenter, Crawford, Crim, Cromwell, Davis of Sullivan, Dice, Donham, Doughty, Eccles, Foster, Graham, Gunn, Hanna, Hays of White, Helmer, Hicks, Holman, Hudson, Huey, Huffstetter, Humphreys, Hunt, Lawrence, Lindsey of Fayette, Mayfield, McAllister, McDonald, Miller, Nelson, Ray, Reynolds, Scudder, Shanklin, Smith of Spencer, Stanfield, Staton, Struble, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams, Wilson, and Withers—51.

So the vote was not reconsidered.

The bill was then ordered to be engrossed.

Mr. Gookins, from the committee on Conference, made the following report:

MR. SPEAKER:

The committee of Conference of the Senate and House, to whom was referred the bill of the House No. 70, entitled "A bill to establish courts of common pleas," have had the same under consideration, and have agreed to the following amendments, in which the concurrence of the House is respectfully recommended.

Amend sections eleven and twelve, by striking out the words

"five hundred," where they occur, and insert "one thousand" in lieu thereof.

The report was concurred in.

Ordered, that the clerk inform the Senate thereof.

On motion by Mr. Smith of Marion,

The report of the committee on Enrolled Bills in reference to said bill of the House No. 70, and said bill, were taken from the table and ordered to be returned to said committee.

The Speaker laid before the House the following communication and correspondence of the officers of the State Bank with the Auditor of State.

OFFICE OF AUDITOR OF STATE }
INDIANAPOLIS, May 13, 1852. }

HON. WM. H. ENGLISH,

Speaker of the House of Representatives:

SIR:—Please lay before the House over which you preside, the following correspondence, and oblige,

Very respectfully,

E. W. H. ELLIS,
Auditor of State.

Resolved, That the Auditor of State be requested to ascertain from the President of the State Bank, if the interest which the State has in said Bank can be sold to said Bank, and if so, upon what terms.

Adopted May 12th, 1852.

GEO. L. SITES,
Clerk H. of R.

OFFICE OF AUDITOR OF STATE, }
INDIANAPOLIS, May 12, 1852. }

HON. JAMES MORRISON,

President of the State Bank:

SIR:—I have the honor to communicate to you the enclosed res-

olution adopted this day in the House of Representatives, and to request the favor of an early answer.

Very respectfully,

E. W. H. ELLIS,
Auditor of State.

STATE BANK, }
INDIANAPOLIS, May 13, 1852. }

E. W. H. ELLIS,
Auditor of State:

SIR:—Your communication of the 12th inst., covering a resolution of House of Representatives on the subject of a sale of the State's interest in the State Bank, was submitted to the Board of Directors, in session; and I have the honor to hand you resolutions of the Board on the subject.

Very respectfully,

J. MORRISON,
President.

STATE BANK OF INDIANA, }
INDIANAPOLIS, May 12, 1852. }

At the quarterly session of the Board of Directors of this Bank, the following proceedings were, on this day, had:

The committee on the state of the Bank, to which was referred the following resolution of the House of Representatives of the State of Indiana, to-wit:

“Resolved, That the Auditor of State be requested to ascertain from the President of the State Bank, if the interest which the State has in said Bank can be sold to said Bank, and if so upon what terms.”

Have had the same under consideration, and now offer for adoption the following resolution:

Resolved, That, in reference to the above resolution, the President be requested to communicate to the Auditor of State in reply, that the Board of Directors of the State Bank in session authorize the President of the Bank to state, in answer to the above enquiries of

the House of Representatives, that if it is concluded by the Legislature to dispose of the interest of the State in the State Bank, it is the opinion of this Board that such interest would be purchased by the Bank, under authority from the Branches, at its fair and reasonable value.

Resolved, That the President and Cashier be appointed a committee on behalf of the Bank to confer with any committee or other agents appointed by the Legislature, upon the subject of a sale to the Bank of the interest which the State has in the Bank, and to submit the result to the respective Branches of the Bank, for their immediate action.

Truly copied—test:

JAMES M. RAY,
Cashier.

Mr. Davis of Sullivan moved to refer the correspondence to the committee on Banks, with the following instructions:

To negotiate with the President of the State Bank in relation to the terms which the said Bank may submit as the ultimatum of their proposition in regard to the purchase of the interest of the State in the State Bank, and report their proceedings to this House.

Which was agreed to.

HOUSE BILLS ON THIRD READING.

No. 224. A bill to authorize and limit allowances by courts and boards, and drafts upon county treasurers;

Was read a third time.

By unanimous consent of the House,

On motion by Mr. Holman,

To amend the bill by adding the words "and courts of common pleas," after "circuit courts;"

It was unanimously agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Behm, Bryant, Bulla, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Donham, Donnohue, Doughty, Douthit, Eccles, Foster, Geddes, Gookins, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Henry, Hicks, Holladay, Holman, Hudson, Huey, Huffstetter, Humphreys, Hunt, Laverty, Lawrence, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Marrs, Mayfield, McAllister, McDowell, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith

of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Suit, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—77.

Those who voted in the negative were,

Messrs. Helmer, Miller, and Smith of Marion—3.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

No. 225. A bill concerning fugitives from justice,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson Behm, Brady, Bryant, Bulla, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donham, Donohue, Doughty, Douthit, Eccles, Foster, Geddes, Gookins, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Hudson, Huey, Huffstetter, Humphreys, Hunt, Laverty, Lawrence, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Marrs, Mayfield, McAllister, McDowell, Miller, Morris, Mudgett, Nelson, Owen, Porter, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Suit, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams, Withers, and Mr. Speaker—80.

No person voted in the negative.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

No. 256. A bill to provide for township elections,

Was read a third time.

On motion by Mr. Holman to amend the bill by adding after the word "elections," the words "held by township trustees,"

It was unanimously agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beane, Behm, Beeson, Bryant, Bulla, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis of Frank-

lin, Davis of Sullivan, Dice, Dobson, Donham, Donnohue, Doughty, Douthit, Eccles, Geddes, Gookins, Graham, Gunn, Hanna, Hay of Clark, Helmer, Henry, Holladay, Holman, Hudson, Huey, Huffstetter, Hunt, Lavery, Lawrence, Lewis, Lindsey of Fayette, Litchfield, Major, Marrs, McAllister, McConnell, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Suit, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams, Withers, Wilson and Mr. Speaker—75.

Mr. Foster voted in the negative.

So the bill passed.

Ordered that the Clerk inform the Senate of the passage of the bill.

On motion by Mr. Stanfield,

No. 266. A bill to provide for the assessment and taxation of the stock of railroad, turnpike road, canal, slack water navigation and bridge companies, situate in whole or in part in this State,

Was taken up and read a third time.

Mr. Stanfield moved to recommit the bill to a select committee of three, with instructions to strike out the word "canals" wherever it occurs and insert in lieu thereof the words "the Central Canal" and "White Water Canal."

And the question being put,

The ayes and noes were demanded by Messrs. Stanfield and Withers.

Those who voted in the affirmative were,

Messrs. Behm, Bryant, Cockrun, Cowgill, Crim, Cromwell, Davis of Sullivan, Dobson, Donham, Eccles, Graham, Gunn, Hay of Clark, Hays of White, Helmer, Hicks, Hudson, Hunt, Lavery, Litchfield, Mudget, Nelson, Owen, Reynolds, Scudder, Stanfield, Staton, Stover, Struble, Thompson, Walker, Watson, Williams, and Mr. Speaker—34.

Those who voted in the negative were,

Messrs. Beane, Beeson, Brady, Bulla, Chowning, Crawford, Dice, Donnohue, Doughty, Douthit, Foster, Geddes, Gookins, Hanna, Henry, Holladay, Holman, Huey, Huffstetter, Humphreys, Lawrence, Lindsey of Fayette, Lindsay of Howard, Major, Marrs, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Porter, Ray, Schoonover, Shanklin, Smith of Marion, Smith of

Spencer, Stevens, Suit, Sweet, Taggart, Torbet, Wells, Wilson and Withers—46.

So the bill was not recommitted.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Chowning, Crawford, Dice, Donham, Douthit, Eccles, Foster, Hanna, Hays of White, Henry Hicks, Holman, Huffstetter, Humphreys, Major, McAllister, McConnell, McDonald, McDowell, Morris, Porter, Ray, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Struble, Suit, Sumner, Sweet, Taggart, Wells, Wilson, Withers and Mr. Speaker—39.

Those who voted in the negative were,

Messrs. Behm, Brady, Bryant, Bulla, Carpenter, Cockrum, Cowgill, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dobson, Donnohue, Doughty, Geddes, Gookins, Graham, Gunn, Hay of Clark, Helmer, Holladay, Hudson, Hunt, Lavery, Lawrence, Lindsey of Fayette, Lindsay of Howard, Litchfield, Marrs, Mayfield, Miller, Mudget, Nelson, Owen, Reynolds, Scudder, Stanfield, Stevens, Stover, Thompson, Torbet, Walker, Watson, and Williams—44.

So the bill did not pass.

No. 257. A bill in relation to county auditors;

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Behm, Brady, Bulla, Carpenter, Chowning, Crim, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Donham, Donnohue, Doughty, Douthit, Eccles, Foster, Geddes, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Hudson, Huey, Huffstetter, Humphreys, Hunt, Lavery, Lawrence, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Marrs, Mayfield, McAllister, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers and Mr. Speaker—76.

No person voted in the negative.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

No. 258. A bill in relation to county treasurers;

Was read a third time.

Mr. Gookins moved to recommit the bill to the Judiciary committee with the following instructions:

Amend section I as follows:

Provided, that any treasurer whose present term of office extends beyond the first day of March next, shall continue in office for the full term for which he was elected.

And provided further, that any treasurer whose term of office will expire before the first day of March next shall continue in office until that day; but such treasurer before performing any duties of his office after the expiration of his present term shall execute a new bond, in the manner, and with like effect as now provided by law, conditioned, for the faithful performance of his duties for such extended term.

Mr. Taggart moved to amend the instructions, by adding in the proper place "and oath of office."

Which was accepted by Mr. Gookins.

On motion by Mr. Gookins,

The bill was laid upon the table.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that they have reciprocated the resolution of the House appointing a committee of Conference to consider the amendments to House bill No. 70, "a bill to establish a court of common pleas and defining the duties and providing compensation for the judges thereof, &c.," and have appointed Messrs. Hester, Turman and Mickle said committee on the part of the Senate.

Mr. Smith of Marion chairman of the committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The committee on Enrolled Bills have compared the following enrolled with the engrossed bills of the House of the corresponding numbers, and find them correctly enrolled.

No. 211. An act regulating the granting of divorces, nullification of marriages, and decrees and orders of court incident thereto.

No. 215. An act to encourage the growth of silk.

No. 217. An act concerning unlawful detention of lands, and the reconery thereof.

- No. 218. An act to regulate electric telegraph companies.
 - No. 219. An act touching easements.
 - No. 220. An act for the incorporation of fire companies.
 - No. 226. An act to regulate special elections.
 - No. 227. An act touching vacancies in office, and filling the same by appointment.
 - No. 229. An act concerning the general fund and the expenditures chargeable thereon.
 - No. 235. An act concerning assignments and decrees.
- Whereupon the Speaker signed the same.
Ordered, that the Clerk inform the Senate thereof.

Mr. Behm, from the joint committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The joint committee on Enrolled Bills have this day presented to his Excellency the Governor for his approval enrolled bills of the House Nos. 219, 211, 217, 215, 220, 226, 227, 218, 229 and 235.

Mr. Smith of Marion chairman of the committee on Enrolled Bills made the following report:

MR. SPEAKER:

The committee on Enrolled Bills to whom was returned House bill No. 70, entitled "an act to establish courts of common pleas, and defining the jurisdiction and duties, and providing compensation for the judges thereof," with action of the two Houses on the same and find it correctly enrolled.

Whereupon the Speaker signed the same.

Ordered, that the clerk inform the Senate thereof.

A message from the Senate by Mr. Dunn their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bills of the House:

- No. 204. An act concerning the partition of lands."
- No. 236. An act containing several provisions regarding landlords, tenants, lessors and lessees."
- No. 241. An act in relation to commissions, certificates and resignations of officers."

Without amendment.

On motion by Mr. Hay of Clark.

The House adjourned.

FRIDAY MORNING, 8 o'clock, }
 May 14th, 1852. }

The House met.

The Journal was partly read;

When,

On motion by Mr. Holman,

The further reading thereof was dispensed with.

PETITIONS, &C., PRESENTED.

By Mr. Wilson:

A memorial from sundry citizens of Randolph county, on the subject of the passage of a law similar to the Maine law;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Hanna:

A petition from sundry citizens of Carroll county, on the subject of printing the laws in the German language;

Which,

On motion,

Was referred to a select committee of Messrs, Hanna, McDowell, and Wilson.

By Mr. Cowgill:

The memorial of sundry citizens of Wabash county, praying the passage of a law similar to the Maine law;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Behm:

The memorial of Godlove S. Orth, and others, of Tippecanoe county, praying the fixing of the salaries of circuit judges at fifteen hundred dollars;

Which,

On motion,

Was referred to the committee on Fees and Salaries.

REPORTS FROM COMMITTEES.

Mr. Holman, chairman of the Judiciary committee, made the following report:

MR. SPEAKER:

The Judiciary committee, to whom was referred House bill No. 119, entitled "An act defining felonies, and prescribing punishment therefor," have had the same under consideration, and have directed me to report the same back with the following amendments; and when so amended, recommend its passage:

Strike out section 7, and insert,

First. SEC. 7. If any person shall unlawfully kill any human being, without malice, express or implied, either voluntarily upon a sudden heat, or involuntarily, but in the commission of some unlawful act, such person shall be deemed guilty of manslaughter, and upon conviction thereof, shall be imprisoned in the State prison, not more than twenty-one, nor less than two years.

Second. Insert the words "steal and" before the word "take," in the 2d line of section 12.

Third. Insert the words "personate or" before the word "represent," in the 2d line of section 24.

Fourth. Before the words "assist to," in the 2d line of section 28, insert the words "make or."

Fifth. Insert in the 15th line of section 31, after the word "current," the following words: "or in circulation."

Sixth. Insert after the word "current," in the 4th line of section 32, the following words: "or in circulation."

Seventh. Insert after the word "current," in the 6th line of section 35, the words "or in circulation."

Eighth. Insert after the word "false," in the 5th line of section 39, the following words: "certificate, affidavit, or."

The amendments were considered separately.

The 1st, 2d, 3d, 4th, 5th, 6th, 7th and 8th amendments reported by the committee were concurred in.

The bill was ordered to a third reading, and the amendments ordered to be engrossed.

On motion by Mr. Helmer,

The ordering of the foregoing bill to a third reading was reconsidered.

On motion by Mr. Helmer,

The bill was referred to the Judiciary committee.

On motion by Mr. Helmer,

House bill No. 252. A bill declaring abduction a felony, and providing for its punishment,

Was taken from the table, and referred to the Judiciary committee.

On motion by Mr. Holman,

The report of the law commissioners, embracing the code of pleading and practice in civil actions,

Was taken from the table and referred to a select committee of two from each judicial circuit.

- 13th District, Messrs Holman and Stevens;
 - 1st District, Beach and Suit;
 - 2d District, Huffstetter and Hay of Clark;
 - 3d District, Struble and Hicks;
 - 4th District, Owen and Ray;
 - 5th District, Smith of Marion and Major;
 - 6th District, Beeson and Lawrence;
 - 7th District, Gookins and Donnohue;
 - 8th District, Lindsay of Howard and Miller;
 - 9th District, McDonald and Hunt;
 - 10th District, Humphreys and Taggart;
 - 11th District, Reynolds and Huey;
 - 12th District, Nelson and Henry;
- Were appointed said committee.

Mr. Schoonover, chairman of the committee on Military Affairs, made the following report:

MR. SPEAKER:

The committee on Military Affairs, to whom was referred the communication of Samuel Beck, Quartermaster General Indiana Militia, have had the same under consideration, and have directed me to report No. 275, a bill to provide for the erection of an armory, and the preservation of the State arms and accoutrements; and to recommend its passage.

The bill was read a first time and passed to a second reading.

Mr. Dobson, from the committee on Claims, made the following report:

MR. SPEAKER:

The committee on Claims, to whom was referred the claim of H. B. Douglass for services rendered in preparing the State House for the session of 1850-'51, have had the same under consideration, and are satisfied that the claim is just, and has not been paid; they think nine dollars a fair compensation, and recommend that he be allowed that sum in the specific appropriation bill.

Which was concurred in.

On motion by Mr. Davis of Sullivan,

The claim referred to and the above report were referred to the committee on Ways and Means.

Mr. McConnell, from a select committee, made the following report:

MR. SPEAKER:

The select committee, to whom was referred the subject of Fees and Salaries, have considered the same so far as to salaries of public officers, and have instructed me to report the following bill:

No. 276. A bill relative to the salaries of public officers, and providing the manner of paying the same;

Which was read a first time and passed to a second reading.

On motion by Mr. Nelson,

House bill No. 196. A bill to regulate the tariff of tolls on the Wabash and Erie Canal,

Was taken from the table.

Mr. Nelson moved to indefinitely postpone the bill.

On motion by Mr. Holman,

The bill was laid on the table.

On motion by Mr. Shanklin,

House bill No. 243. A bill to regulate the retailing of spirituous liquors,

Was taken up.

The bill was read a third time.

Mr. Graham moved to recommit the bill with following instructions to a select committee of 3:

Strike out section 9.

Mr. McDonald moved to amend the instructions as follows:

To provide for the abolishing of all license laws as to the sale of spirituous liquors, and provide for the protection of the community against the evils of intemperance.

Mr. Hicks called the previous question.

Which was seconded and the main question ordered.

The main question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Behm, Bryant, Bulla, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Dice, Donaldson, Donnohue, Doughty, Douthit, Gookins, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Hicks, Holladay, Holman, Hunt, Lavery, Lawrence, Lewis, Lindsay of Howard, Litchfield, Marrs, Mayfield, McDowell, Morris, Nelson, Owen, Porter, Reynolds, Sale, Scudder, Shanklin, Staton, Stevens, Stover, Struble, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, and Withers—57.

Those who voted in the negative were,

Messrs. Brady, Cromwell, Davis of Sullivan, Donham, Eccles, Foster, Geddes, Graham, Henry, Hudson, Huey, Huffstetter, Humphreys, Major, McAllister, McDonald, Mudget, Ray, Schoonover, Smith of Marion, Wilson and Mr. Speaker—22.

So the bill passed.

Mr. Holladay moved to reconsider the vote first taken.

On motion by Mr. Suit,

The motion to reconsider was laid on the table.

Ordered that the Clerk inform the Senate of the passage of the bill.

On motion,

Leave was granted Mr. Smith of Spencer to record his vote in the affirmative on the passage of House bill No. 243.

On motion by Hudson,

Leave of absence was granted Mr. King.

HOUSE BILLS ON THIRD READING.

No. 259. A bill to provide for the levying upon real estate, upon execution when the debtor has conveyed the same to a third party before levy made;

Was read a third time.

On motion by Mr. Gookins,

The bill was laid on the table.

No. 260. A bill providing for the appointment of Notaries Public and defining their powers and duties;

Was read a third time.

By unanimous consent of the House,

On motion by Mr. Holman,

The bill was amended by adding in the proper place as follows:

SEC. 7. No person holding any lucrative office or being an officer in any bank or corporation or association possessed of any banking powers shall be a Notary Public, and his acceptance of any such office shall vacate his appointment of Notary.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Chowning, Cockrum, Cowgill, Crawford, Crim, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster,

Geddes, Gookins, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holman, Hudson, Huey, Humphreys, Hunt, Lavery, Lawrence, Lewis, Lindsay of Howard, Litchfield, Major, Marrs, McAllister, McDonald, McDowell, Mudget, Nelson, Porter, Ray, Reynolds, Sale, Schoonover, Shanklin, Smith of Spencer, Stevens, Stover, Struble, Suit, Sumner, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers and Mr. Speaker—69.

Those who voted in the negative were,

Messrs. Carpenter, Scudder and Smith of Marion—2.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

By unanimous consent of the House,

Mr. Lewis offered the following resolution :

Resolved, That the members of this House and Senate accompany the remains of the Hon. Joseph W. Holliday to the depot, this day, at half past one o'clock.

Which was unanimously agreed to.

No. 262. A bill defining who are persons of unsound mind, authorizing the appointment of guardians for such persons, defining the powers and duties of such guardians, declaring void the contracts of persons of unsound mind, and providing for their restraint when necessary ;

Was read a third time.

The question being shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis of Sullivan, Dice, Dobson, Donham, Donaldson, Donnohue, Dougherty, Douthit, Eccles, Foster, Geddes, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Hudson, Huey, Huffstetter, Humphreys, Hunt, Lavery, Lawrence, Lewis, Lindsay of Howard, Litchfield, Major, Mayfield, McAllister, McConnell, McDonald, McDowell, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stevens, Stover, Struble, Suit, Sumner, Sweet, Taggart, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—79.

No person voted in the negative.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

On motion by Mr. Holladay,

Leave of absence was granted Mr. Hicks.

No. 264. A bill prescribing the duties of Governor;

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Holladay, Hudson, Huey, Huffstetter, Humphreys, Hunt, Lavery, Lawrence, Lewis, Lindsay of Howard, Litchfield, Major, Marrs, Mayfield, McAllister, McConnell, McDowell, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stevens, Stover, Struble, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, and Mr. Speaker—73.

Mr. Withers voted in the negative.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

On motion by Mr. Nelson,

House bill No. 196. A bill to regulate the tariff of tolls on the Wabash and Erie Canal;

Was taken from the table.

On motion by Mr. Nelson,

The bill was indefinitely postponed.

SENATE BILLS ON THIRD READING.

No. 120. A bill prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate and contest thereof;

Was read a third time.

On motion by Mr. Holman,

The bill was laid on the table.

No. 141. A bill to provide for the election, and prescribing certain duties of recorders;

Was read a third time.

On motion by Mr. Struble,
The bill was laid on the table.

No. 144. A joint resolution in relation to the Indiana Normal University for the education of females;

Was read a third time.

And the question being, shall the joint resolution pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Brady, Bryant, Bulla, Chowning, Cockrum, Crim, Cromwell, Davis of Sullivan, Dobson, Donaldson, Donham, Donnohue, Doughty, Douthit, Eccles, Foster, Geddes, Graham, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Holladay, Holman, Huey, Humphreys, Hunt, Lavery, Lawrence, Lindsay of Howard, Litchfield, Major, Marrs, Mayfield, McAllister, McConnell, Nelson, Owen, Porter, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Spencer, Stevens, Stover, Struble, Suit, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—64.

Those who voted in the negative were,

Messrs. Gunn, McDowell, Ray, Smith of Marion, and Sumner—5.

So the joint resolution passed.

Ordered that the Clerk inform the Senate thereof.

On motion by Mr. Hudson,
Leave of absence was granted Mr. Sale, on account of sickness.

No. 145. A bill providing for electing electors for President and Vice President of the United States;

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Bryant, Bulla, Chowning, Cockrum, Crawford, Crim, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Donnohue, Doughty, Douthit, Foster, Geddes, Gunn, Hay of Clark, Hays of White, Helmer, Henry, Holladay, Holman, Huey, Huffstetter, Humphreys, Hunt, Lavery, Lawrence, Lindsay of Howard, Litchfield, Major, Marrs, Mayfield, McAllister, McConnell, Mc-

Dowell, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stevens, Stover, Struble, Suit, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—68.

No person voted in the negative.

So the bill passed.

Ordered, that the Clerk inform the Senate thereof.

No. 147. A bill prescribing the manner of empanneling petit jurors, the number and compensation thereof;

Was read a third time.

Mr. Graham moved to commit the bill to the committee on Fees and Salaries, with instructions to amend the 4th section by adding "twenty-five cents" after the words "one dollar."

Mr. Taggart moved to lay the bill on the table;

Which was disagreed to.

The question being put on recommitting the bill with the instructions of Mr. Graham,

The ayes and noes were demanded by Messrs. Graham and Holman.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Brady, Bulla, Chowning, Cowgill, Crawford, Crim, Cromwell, Davis of Sullivan, Donnohue, Douthit, Eccles, Geddes, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Henry, Lawrence, Lindsay of Howard, Major, Marrs, McDonald, McDowell, Owen, Porter, Reynolds, Shanklin, Smith of Marion, Struble, Suit, Sumner, Sweet, Torbet, Walker, Williams, and Withers—40.

Those who voted in the negative were,

Messrs. Bryant, Carpenter, Dice, Dobson, Donaldson, Donham, Doughty, Foster, Helmer, Holladay, Holman, Hudson, Huffstetter, Humphreys, Hunt, Laverty, Mayfield, McAllister, Mudget, Nelson, Ray, Schoonover, Scudder, Smith of Spencer, Staton, Stevens, Stover, Taggart, Thompson, Watson, Wells, Wilson, and Mr. Speaker—33.

So the bill was committed with the instructions.

On motion by Mr. Chowning,
Leave of absence was granted Mr. Davis of Sullivan.

No. 152. A bill prescribing certain misdemeanors, punishable only by a justice of the peace ;

Was read a third time.

Mr. Suit moved to recommit the bill to a select committee, with instructions to strike out the 3d section.

Mr. Hudson moved to amend the instructions by inserting in the proper place in the 4th section, "horse or."

Which was agreed to.

The question then recurred on committing the bill with the instructions as amended ;

And being put,

It was agreed to.

Messrs. Suit, McAllister, and Marrs, were appointed said committee.

House bill No. 191, A bill to amend the 3d section of an act entitled "an act to incorporate the White River Navigation Company," approved February 13th, 1851, and to extend the rights and privileges of said company ;

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beane, Beeson, Brady, Bryant, Bulla, Chowning, Crawford, Crim, Cromwell, Dice, Dobson, Donaldson, Donham, Donnohue, Doughty, Douthit, Eccles, Foster, Geddes, Graham, Gunn, Hanna, Hays of White, Helmer, Henry, Hudson, Huffstetter, Humphreys, Lavery, Lawrence, Litchfield, Manson, Marrs, Mayfield, McAllister, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Smith of Spencer, Staton, Stevens, Stover, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Wells, Williams, Wilson, and Withers—56.

Those who voted in the negative were,

Messrs. Beach, Carpenter, Cowgill, Holladay, Hay of Clark, Lindsay of Howard, Major, McDowell, Mudget, Smith of Marion, Struble, Watson, and Mr. Speaker—13.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

No. 249. A bill prescribing the powers and duties of Auditor of State ;

Was read a third time.

The question being, shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Brady, Bryant, Bulla, Carpenter, Chowning, Crawford, Crim, Cromwell, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Foster, Geddes, Graham, Gunn, Hay of Clark, Hays of White, Henry, Helmer, Holman, Hudson, Huffstetter, Humphreys, Hunt, Lavery, Lawrence, Lindsay of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McConnell, McDowell, Mudgett, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stevens, Stover, Struble, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers and Mr. Speaker—69.

No person voted in the negative.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

On motion,

Leave was granted Mr. Lindsay of Howard, to change his vote from the affirmative to the negative on the passage of House bill No. 191, and Mr. Holladay to record his vote in the negative.

By unanimous consent of the House,

Mr. Suit obtained leave and made the following report:

MR. SPEAKER.

The select committee, to which was referred Senate bill No. 152, with instructions, respectfully report that they have amended the same, as instructed by the House, and respectfully recommend its passage.

Which was concurred in.

The question then being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beane, Beeson, Brady, Bryant, Bulla, Carpenter, Crawford, Crim, Cromwell, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gookins, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Holladay, Holman, Huffstetter, Humphreys, Hunt, Lavery, Lawrence, Lindsay of Howard, Litchfield, Major, Marrs, Mayfield, McAllister, McConnell, McDowell, Mudgett, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Spencer, Smith of Marion, Staton, Stevens, Stover, Struble, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—69.

Mr. Manson voted in the negative.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

On motion by Mr. Hay of Clark,

House bill No. 258. A bill in relation to county treasurers;
Was taken from the table.

The question pending being on the adoption of Mr. Gookins's instructions,

Mr. Gookins withdrew his instructions.

Mr. Stover moved to recommit the bill with the following instructions, viz:

Strike out the 3d and 4th lines of the first section, and insert the following—

That county treasurers shall be elected at the general election in October, 1852, and their term of office shall commence on the third Monday in June following their election.

Add after section 1st the following:

Provided, That the term of office of such treasurers who may be elected to succeed any treasurer whose term of office will expire before the general election in October next, shall commence immediately after his election, and shall continue in office only till the third Monday in June, 1854.

Mr. Doughty moved that the House adjourn.

Which was disagreed to.

The question then being put on recommitting the bill with the instructions of Mr. Stover,

It was agreed to.

No. 265. A bill prescribing the duties of coroners;
Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Brady, Bryant, Bulla, Crim, Cromwell, Dice, Dobson, Donaldson, Donham, Donnohue, Doughty, Douthit, Eccles, Foster, Geddes, Gookins, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Holladay, Holman, Hudson, Huffstetter, Humphreys, Hunt, Lawrence, Lindsay of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McConnell, McDowell, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stevens, Stover, Struble, Suit, Sumner, Sweet, Taggart,

Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—70.

No person voted in the negative.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

On motion by Mr. Brady,

The House adjourned until 2½ o'clock, P. M.

2½ o'clock, P. M.

The House met.

ORDERS OF THE DAY RESUMED.

Senate bill No. 127. A bill for the establishment and regulation of county libraries;

Was read a third time.

Mr. Williams moved to recommit the bill to the committee on Education, with instructions to strike out section "4."

Mr. Owen moved to amend the instructions as follows, viz:

Strike out from the enacting clause, and insert,

That there shall be assessed, collected and paid, as the state and county revenues are assessed, collected and paid:

First. On the list of property taxable for state purposes, the sum of one-quarter of a mill on each dollar.

Second. On every person liable to pay a poll tax for state purposes, a poll tax of twenty-five cents.

SEC. 2. The said taxes shall be applied exclusively to the purchase of township libraries, under the direction of the State board of Education, but no sectarian books shall be introduced into such libraries. And the said Board shall cause the said libraries, when received, to be distributed to the respective townships.

SEC. 3. Unless otherwise provided by law, said Board shall consist of the State Superintendent of Public Instruction, the Governor, Secretary, Auditor, and Treasurer of State.

SEC. 4. The amount of the said taxes, when collected, shall be paid by the county treasurers to the Treasurer of State, at the time of making their annual settlement, and shall be paid out by that officer, upon the warrant of the Auditor of State.

SEC. 5. The said libraries shall be in charge of the board of township trustees, and shall be deemed the property of the township, and not subject to sale or alienation, for any cause whatever.

SEC. 6. The said trustees shall be held accountable for the preservation of said libraries; and they shall have power to prescribe the time of taking, and the period of retaining the books thereof, and also to assess the damages which may be done to them by persons entitled to their use, and to adopt such rules and regulations as may be necessary for their preservation and usefulness.

SEC. 7. The qualified voters of the township may determine, at any annual meeting, whether the said library shall be deposited at some central point, or at one or more eligible places in said township, for the convenience of the families of such township.

SEC. 8. Every family in the township shall be entitled to the use of one volume at a time from said library, and the same shall be open throughout the year to all persons entitled to its privileges.

SEC. 9. The several county libraries, and funds belonging to such libraries, shall be distributed to the several townships by the board of county commissioners, in such manner as shall be just.

On motion by Mr. Nelson,

The last section of the amendment of Mr. Owen was stricken out. Mr. McDowell moved to amend the amendment by striking out all in relation to a poll tax.

And the question being put,

The ayes and noes were demanded by Messrs. Crawford and McDowell.

Those who voted in the affirmative were,

Messrs. Beeson, Brady, Crawford, Dobson, Foster, Graham, Hay of Clark, Huey, Lewis, Manson, McAllister, McDowell, Miller, Smith of Marion, Stover, Suit, and Taggart—17.

Those who voted in the negative were,

Messrs. Beach, Behm, Bryant, Bulla, Carpenter, Chowning, Cowgill, Crim, Cromwell, Davis of Franklin, Dice, Donaldson, Donham, Donnohue, Doughty, Douthit, Eccles, Geddes, Gookins, Gunn, Hanna, Hays of White, Helmer, Henry, Holladay, Holman, Hudson, Huffstetter, Humphreys, Hunt, Lawrence, Lindsay of Howard, Litchfield, Major, Marrs, Mayfield, McConnell, Mudgett, Nelson, Owen, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Spencer, Stanfield, Staton, Stevens, Struble, Sweet, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers and Mr. Speaker—59.

So the amendment was disagreed to.

Mr. Smith of Spencer moved to amend the amendment as follows:

Strike out "State Board," and insert "township trustees."

Which was disagreed to.

Mr. Beeson moved to amend the amendment as follows:

The township trustees of the respective townships may annually assess and cause to be collected as other township tax is collected any amount not exceeding——

And the question being put on its adoption,

The ayes and noes were demanded by Messrs. Holman and Beeson.

Those who voted in the affirmative were,

Messrs. Beeson, Brady, Davis of Franklin, Dobson, Foster, Graham, Gunn, Hay of Clark, Holman, Reynolds, Scudder, Suit, Torbet, Withers, and Mr. Speaker—15.

Those who voted in the negative were,

Messrs. Beach, Beane, Bryant, Bulla, Carpenter, Chowning, Cowgill, Crawford, Crim, Cromwell, Dice, Donaldson, Donham, Doughty, Douthit, Eccles, Geddes, Gookins, Hanna, Helmer, Henry, Holladay, Hudson, Huey, Huffstetter, Humphreys, Hunt, Laverty, Lawrence, Lindsay of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McConnell, McDowell, Miller, Mudgett, Nelson, Owen, Porter, Ray, Schoonover, Smith of Marion, Smith of Spencer, Staton, Stevens, Stover, Sweet, Taggart, Walker, Watson, Wells, Williams and Wilson—57.

So the amendment was disagreed to.

Mr. Cowgill moved to amend the amendment as follows:

Provided, That for the purposes of this act no county shall be deemed to have less than ten townships.

Which was not agreed to.

Mr. Nelson moved to amend the amendment as follows:

The several county libraries and funds belonging to such libraries shall be distributed to the several townships by the board of county commissioners in such manner as shall be just.

Which was agreed to.

The question then recurred on recommitting the bill with the instructions as amended.

And being put,

The ayes and noes were demanded by Messrs. Owen and Holman.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Bryant, Bulla, Chowning, Cowgill, Craw-

ford, Crim, Cromwell, Dice, Donaldson, Donham, Doughty, Douthit, Eccles, Geddes, Gookins, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Holladay, Hudson, Huey, Huffstetter, Hunt, Laverty, Lindsay of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McConnell, McDowell, Miller, Mudget, Nelson, Owen, Porter, Ray, Schoonover, Smith of Spencer, Staton, Stevens, Stover, Struble, Sweet, Taggart, Torbet, Walker, Watson, Wells, Williams, and Mr. Speaker—57.

Those who voted in the negative were,

Messrs. Beeson, Brady, Carpenter, Davis of Franklin, Dobson, Foster, Graham, Gunn, Holman, Reynolds, Smith of Marion, Suit, and Withers—13.

So the bill was recommitted with the instructions.

By unanimous consent of the House,

Mr. Owen made the following report:

MR. SPEAKER:

The committee on Education to whom was referred Senate bill No. 127, relative to township libraries, with instructions, report the same back amended according to instructions, and ask to be discharged from the further consideration of the subject.

Which report was concurred in.

A message from the Senate by Mr. Dunn their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the resolution of the House to accompany the remains of the Hon. Joseph W. Holliday to the depot this day at one and a-half o'clock.

A message from the Senate by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has pass the following engrossed bills of the House:

No. 244. An act concerning liens of Mechanics, Merchants and others.

No. 245. An act concerning the three per cent. fund and the management thereof.

No. 253. An act concerning saline lands.

No. 255. An act prescribing the duties of Treasurer of State.

No. 28. Joint resolution on the subject of donating the government lands of the State of Indiana to the State.

Without amendment.

A message from the Governor, by Mr. King, executive messenger:

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives that he has approved and signed the following bills, to-wit:

No. 61. An act to prevent the destruction of or injury of animals, and the destruction of human life by rail roads, and to provide compensation for the same.

No. 59. An act to provide for the incorporation of Railroad companies.

No. 230. An act to create a special term of the Tippecanoe Circuit Court.

No. 214. An act concerning promissory notes and bills of exchange.

No. 79. An act authorizing the construction of Plank, McAdamized and Gravel roads.

No. 211. An act regulating the granting of divorces, nullifications of marriages, and decrees and orders of court incident thereto.

No. 217. An act concerning unlawful detention of lands, and the recovery thereof.

No. 215. An act to encourage the growth of silk.

No. 220. An act for the incorporation of Fire companies.

No. 226. An act in regard to special elections.

No. 227. An act touching vacancies in office, and filling the same by appointment.

No. 229. An act concerning the general fund and the expenditures chargeable thereon.

No. 235. An act concerning the assignment of judgments and decrees.

No. 219. An act touching easements.

No. 218. An act to regulate electric telegraph companies.

No. 70. An act to establish courts of common pleas, and defining the jurisdiction and duties, and providing compensation for the Judges thereof.

No. 201. An act regulating descents and the apportionment of estates.

Which bills originated in the House of Representatives.

Mr. Laverty, from the joint committee on Enrolled Bills, made the following report:

MR. SPEAKER :

The joint committee on Enrolled Bills have this day presented to His Excellency the Governor, for his approval enrolled bills of the House Nos. 70 and 201.

Mr. Smith of Marion, chairman of the committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The committee on Enrolled Bills have compared the following enrolled with the engrossed bill of the House, of the corresponding number, and find the same correctly enrolled:

No. 201. An act regulating descents and the apportionment of estates.

On motion by Mr. Holman,
The House adjourned.

SATURDAY MORNING, 8 o'clock, }
May 15, 1852. }

The House met.

Mr. McDonald presented the credentials of Andrew B. Price, member elect from Porter county to supply the vacancy occasioned by the resignation of Hon. William M. Harrison.

Mr. Price then came forward, took the oath of office, and entered upon the discharge of his duties.

The Clerk proceeded to read the Journal of yesterday.

Mr. Donaldson moved to dispense with the further reading of the Journal;

Which was disagreed to.

The Journal was then read.

REPORTS FROM COMMITTEES.

Mr. Dobson from the committee on Claims, made the following report:

MR. SPEAKER:

The committee on Claims to whom was referred the petition of John Fitzpatrick, Benj. Witherell, Israel Wyland, and James H. Jones, have had the same under consideration, and are of the opinion that if it is proper to provide by special acts for the payment of witnesses in State cases, this is one of the cases that should be paid, and that twenty dollars each would be a reasonable compensation for their time and expenses.

On motion by Mr. Beane,

The report was referred to the committee on Ways and Means.
Mr. Hanna, from a select committee, made the following report:

MR. SPEAKER:

The committee to whom was referred a petition of sundry citizens of Carroll county on the subject of printing the Laws of Indiana in the German language, have had the same under consideration, and have directed me to report the following bill and recommend its passage:

No. 277. A bill to authorize the State Printer to print, bind and publish one thousand copies of the laws passed by the present General Assembly in the German language;

Which was read a first time and passed to a second reading.

Mr. McConnell, from the committee on Fees and Salaries, made the following report:

MR. SPEAKER:

The select committee on Fees and Salaries, to which was referred Senate bill No. 147, with specific instructions have had the same under consideration, and performed the duty required and report back the bill and required amendment, and ask to be discharged from the further consideration of the subject:

Amend the 4th section of the bill as follows:

After the words "one dollar" in the 2d line of the section, insert the words "and twenty-five cents."

Which was concurred in.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Behm, Brady, Bulla, Chowning, Cockrum, Cowgill, Crawford, Crim, Davis of Franklin, Dice, Dobson, Donham, Donnohue, Doughty, Douthit, Eccles, Geddes, Gookins, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Henry, Holladay, Hudson, Huey, Huffstetter, Humphreys, Hunt, Lavery, Lawrence, Lewis, Lindsay of Howard, Litchfield, Major, Marrs, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Nelson, Owen, Porter, Price, Ray, Reynolds, Schoonover, Smith of Marion, Smith of Spencer, Stevens, Stover, Struble, Sweet, Torbet, Walker, Watson, Williams, Wilson, and Mr. Speaker—65.

Those who voted in the negative were,

Messrs. Bryant, Carpenter, Donaldson, Helmer, Holman, Manson, Mudget, Scudder, Staton, Suit, Sumner, Taggart, Wells, and Withers—14.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

Mr. Stover, from the joint select committee on Revision, made the following report:

MR. SPEAKER:

The joint select committee on Revision to whom was referred House bill No. 72, "a bill providing for the incorporating county libraries," have had the same under consideration, and have directed me to report the same back and recommend that it be laid on the table.

Which was concurred in, and the bill laid on the table.

Mr. Owen, from the joint select committee on Revision, made the following report:

MR. SPEAKER:

The joint committee on Revision, to whom was referred bill No. 116 of the House, to establish, at the seat of government, law and medical branches to the State University, have instructed me to report the same back, and to recommend that it lie on the table; and they ask to be discharged from further consideration of the subject.

Which report was concurred in, and the bill laid on the table.

Mr. Porter, from a select committee, made the following report :

MR. SPEAKER :

The select committee to which was referred the petition of Robert N. Lamb, Esq., and others, asking for the extension of the time for the performance of a certain act mentioned in an act of the General Assembly, entitled No. 278, "an act for the relief of the persons therein named," approved January 26, 1847, have examined the subject, and have directed me to report the accompanying bill granting the relief prayed for, and recommend its passage.

The bill was read a first time and passed to a second reading.

Mr. Owen, from the joint select committee on Revision, made the following report :

MR. SPEAKER :

The joint committee on Revision, to whom was referred House bill No. 121, "a bill to establish a Normal department of Indiana University, for the education, free of charge, of male and female teachers of common schools," have directed me to report the same back and recommend that it be laid on the table.

Which report was concurred in.

Mr. Stover, from the joint select committee on Revision, made the following report :

MR. SPEAKER :

The select joint committee on Revision, to whom was referred House bill No. 148, "a bill in relation to the duties of county auditors," report the same back, and recommend that it be laid upon the table.

Which report was concurred in, and the bill laid on the table.

RESOLUTIONS OF THE HOUSE.

Mr. Lewis offered the following resolution :

Resolved, That this House (the Senate concurring) will adjourn *sine die* on the 27th inst.

Mr. Graham offered the following amendment: Strike out 27th and insert 20th.

On motion by Mr. Suit,
The resolution and amendment were laid on the table.

On motion by Mr. Doughty,
Leave of absence was granted Mr. Foster until Monday.

On motion by Mr. Litchfield,
The vacancy existing in the committee on Banks, was supplied by adding to said committee Messrs. Brady and Schoonover.

Mr. Smith of Marion moved that the vacancies now existing in the committee on the State Library and Enrolled bills, be supplied.
Which was agreed to.

Mr. Price was appointed to said committees.

On motion by Mr. McDonald,

Resolved, That the standing committees be requested to report instant as to the clerks employed by them and the necessity therefor.

By unanimous consent of the House,
Mr. Gookins obtained leave and introduced

No. 279. A bill to require certain officers to execute further official bonds;

Which was read a first time and passed to a second reading.

On motion by Mr. Behm,

Resolved, That the State Mutual Insurance Company be requested to make a report to this House in accordance with their charter.

ORDERS OF THE DAY.

Mr. Stover moved to reconsider the vote recommitting House bill No. 258, with instructions, on yesterday;

Which was agreed to.

Mr. Stover moved to amend by striking out the instructions, and insert in lieu thereof the following:

Strike out the words "on the first day of March following his election," in the 4th line, and insert the words, "at the expiration of the term of the present incumbent."

Which was agreed to.

The question then being put on recommitting the bill with the instructions, as amended,

It was agreed to.

Mr. Stover, from the joint select committee on Revision, made the following report:

MR. SPEAKER:

The select joint committee on Revision to whom was referred House bill No. 258, in relation to county treasurers, with instructions, have amended the bill, as instructed, and ask to be discharged from the further consideration of the subject.

Which report was concurred in.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Behm, Brady, Bryant, Bulla, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Dice, Dobson, Donaldson, Donham, Donnohue, Doughty, Douthit, Eccles, Geddes, Gookins, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Holladay, Hudson, Huey, Huffstetter, Humphreys, Hunt, Laverty, Lawrence, Lewis, Lindsay of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Mudget, Nelson, Owen, Porter, Price, Ray, Reynolds, Schoonover, Scudder, Smith of Marion, Smith of Spencer, Stevens, Stover, Struble, Suit, Sumner, Sweet, Taggart, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—76.

Those who voted in the negative were,

Messrs. Beeson, Holman, and Torbet—3.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

On motion by Mr. Behm,

An additional member was added to the select committee appointed on the bill regulating the duties of Agent of State.

Mr. Owen was appointed to said committee.

The question pending at the last adjournment being on the passage of Senate bill

No. 127. A bill for the establishment and regulation of county libraries;

Mr. McDonald moved to recommit the bill with the following instructions:

Strike out sections 2 and 3, and insert:

Sec. —. The said taxes shall be applied exclusively to the pur-

chase of township libraries, under the direction of the township trustees.

SEC. —. The amount of the said taxes, when collected, shall be paid into the county treasury, and shall be paid out by the county treasurer, on the warrant of the county auditor.

Amend the last section by adding, after the word "libraries," the words, "and the amount of taxes collected under this act;" and at the end of said section add: *Provided*, That no township shall receive a greater amount of money than shall have been collected from the citizens of said township, under provisions of this act.

And the question being put,

The ayes and noes were demanded by Messrs. McDonald and Douthit.

Those who voted in the affirmative were,

Messrs. Beeson, Brady, Cromwell, Davis of Franklin, Dice, Dough-ty, Graham, Gunn, Hay of Clark, Holman, Lewis, Manson, McDona-ld, Price, Reynolds, Schoonover, Suit, Sumner, Torbet, and Wilson.
—20.

Those who voted in the negative were,

Messrs. Beach, Beane, Bryant, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Dobson, Donaldson, Donham, Donnohue, Douthit, Eccles, Geddes, Gookins, Hanna, Hays of White, Helmer, Henry, Holladay, Hudson, Huey, Huffstetter, Humphreys, Hunt, Laverty, Lawrence, Lindsay of Howard, Litchfield, Major, Marrs, McAllister, McDowell, Miller, Mudget, Nelson, Owen, Ray, Scud-der, Smith of Spencer, Smith of Marion, Staton, Stevens, Sweet, Taggart, Walker, Watson, Wells, Williams, Withers, and Mr. Speaker—53.

So the bill was not recommitted with the instructions.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beane, Bryant, Bulla, Chowning, Cowgill, Crawford, Crim, Dice, Donaldson, Donham, Donnohue, Douthit, Eccles, Geddes, Goo-kins, Hanna, Hays of White, Henry, Holladay, Hudson, Huey, Hunt, Laverty, Lindsay of Howard, Litchfield, Major, Manson, Marrs, McDowell, Mudget, Nelson, Owen, Price, Smith of Spencer, Stevens, Sweet, Watson, Williams, and Wilson—39.

Those who voted in the negative were,

Messrs. Beach, Beeson, Brady, Carpenter, Cockrum, Cromwell, Davis of Franklin, Dobson, Doughty, Graham, Gunn, Hay of Clark, Helmer, Holman, Humphreys, Lawrence, Lewis, McAllister, McDonald, Miller, Ray, Reynolds, Schoonover, Scudder, Smith of Marion, Staton, Suit, Sumner, Taggart, Torbet, Walker, Withers, and Mr. Speaker—33.

So the bill did not pass.

By unanimous consent of the House,
Mr. Brady obtained leave and introduced

No. 280. A bill to amend the charter of Indianapolis;
Which was read a first time and passed to a second reading.

On motion by Mr. Smith of Spencer,
A call of the House was ordered.

The Clerk proceeded to the call, when the following members answered to their names, viz:

Messrs. Beach, Beane, Beeson, Brady, Bryant, Bulla, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Dice, Dobson, Donaldson, Donnohue, Doughty, Douthit, Eccles, Geddes, Gookins, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Holladay, Holman, Hudson, Huey, Huffstetter, Humphreys, Hunt, Laverty, Lawrence, Lewis, Lindsay of Howard, Litchfield, Major, Manson, Marrs, McAllister, McConnell, McDonald, McDowell, Miller, Mudget, Nelson, Owen, Price, Ray, Reynolds, Schoonover, Scudder, Smith of Marion, Smith of Spencer, Staton, Stevens, Suit, Sumner, Sweet, Taggart, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—74.

On motion by Mr. Withers,
The further call of the House was dispensed with.

No. 148. A bill touching the laying out and vacation of towns, streets, alleys, and public grounds, and the making out and recording plats of such towns;

Was read a third time.

On motion by Mr. Carpenter,
The bill was laid on the table.

Mr. Holman, chairman of the Judiciary committee, made the following report:

MR. SPEAKER:

The Judiciary committee, to which was referred Senate bill No. 119, with special instructions, have performed the duty required by the instructions, and report back the bill and the amendments required, and ask to be discharged from the further consideration of the subject:

Insert between sections 14 and 15 the following section.
Which was concurred in.

The question then being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Brady, Bryant, Bulla, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Dice, Dobson, Donham, Doughty, Douthit, Eccles, Geddes, Gookins, Graham, Gunn, Hanna, Hay of Clark, Helmer, Henry, Holman, Hudson, Huey, Hunt, Lavery, Lawrence, Lewis, Litchfield, Major, Manson, Marrs, McAllister, McConnell, McDonald, Nelson, Owen, Price, Reynolds, Schoonover, Scudder, Smith of Marion, Smith of Spencer, Stevens, Stover, Suit, Sumner, Sweet, Taggart, Walker, Watson, Wells, Williams and Wilson—59.

Those who voted in the negative were,

Messrs. Holladay, Linsday of Howard, McDowell, Ray, Torbet, Withers, and Mr. Speaker—7.

No quorum voted.

Mr. McDowell moved the House adjourn.

Mr. Douthit moved to amend by adding, until Monday morning 8 o'clock.

And being put,

It was disagreed to.

The question then recurred on Mr. McDowell's proposition;

And being put,

It was agreed to.

2 o'clock, P. M.

The House met.

The question pending at last adjournment being on the passage of Senate bill No. 119, a bill defining felonies, and prescribing punishment therefor.

Mr. McDowell moved a call of the House;

Which was disagreed to.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Brady, Bryant, Bulla, Chowning, Cockrum, Cowgill, Crawford, Crim, Dobson, Donaldson, Doughty, Eccles, Gookins, Graham, Hanna, Hay of Clark, Helmer, Henry, Holman, Hudson, Huey, Huffstetter, Hunt, Lavery, Lawrence, Lewis, Lindsay of Howard, Litchfield, Major, Manson, Marrs, McConnell, Mudget, Nelson, Owen, Price, Reynolds, Schoonover, Smith of Marion, Smith of Spencer, Stevens, Stover, Suit, Sumner, Sweet, Taggart, Walker, Wells, Williams, and Wilson—53¹

Those who voted in the negative were,

Messrs. Carpenter, Davis of Franklin, Dice, Douthit, Gunn, McDowell, Miller, Ray, Withers, and Mr. Speaker—10.

No quorum voted.

On motion by Mr. Lindsay of Howard,

A call of the House was ordered.

The clerk proceeded to the call, when the following members answered to their names, viz:

Messrs. Beach, Beane, Beeson, Bryant, Bulla, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Davis of Franklin, Dice, Dobson, Donaldson, Doughty, Douthit, Eccles, Gookins, Graham, Gunn, Hanna, Hay of Clark, Helmer, Henry, Holman, Hudson, Huey, Huffstetter, Hunt, Lavery, Lawrence, Lewis, Lindsay of Howard, Litchfield, Major, Manson, Marrs, McConnell, McDowell, Miller, Mudget, Nelson, Owen, Price, Ray, Reynolds, Schoonover, Smith of Marion, Smith of Spencer, Stevens, Stover, Suit, Sumner, Sweet, Taggart, Walker, Wells, Williams, Wilson, Withers, and Mr. Speaker.

Mr. Gunn moved the House adjourn.

And the question being put,

The ayes and noes were demanded by ten members.

Those who voted in the affirmative were,

Messrs. Bryant, Crim, Douthit, Gunn, Mudget, Suit, Sumner, Torbet, and Walker—9.

Those who voted in the negative were,

Messrs. Beach, Beane, Beeson, Brady, Bulla, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Davis of Franklin, Dice, Dobson, Donaldson, Doughty, Eccles, Gookins, Graham, Hanna, Hay of Clark, Henry, Holman, Hudson, Huey, Huffstetter, Humphreys, Hunt, Lavery, Lawrence, Lewis, Lindsay of Howard, Litchfield, Major, Manson, Marrs, McConnell, McDowell, Miller, Nelson, Owen, Price, Ray, Reynolds, Schoonover, Smith of Marion, Smith of Spencer, Stevens, Stover, Sweet, Taggart, Wells, Williams, Wilson, Withers, and Mr. Speaker—55.

So the House refused to adjourn.

Mr. Nelson moved to suspend the further call of the House.

Which was disagreed to.

On motion by Holman,

Mr. Behm was excused on account of sickness.

On motion by Mr. Crim,

Mr. Cromwell was excused on account of sickness.

On motion by Mr. Graham,

Mr. Donham was excused on account of sickness.

Mr. Davis of Franklin moved to excuse Mr. Donnohue.

Which was disagreed to.

On motion by Mr. Holman,

The further call of the House was dispensed with.

The question then recurred on the passage of Senate bill,

No. 119. A bill defining felonies and prescribing punishment therefor;

And being put,

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Brady, Bryant, Bulla, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Dobson, Donaldson, Donnohue, Doughty, Eccles, Gookins, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Holman, Hudson, Huey, Huffstetter, Hunt, Lavery, Lawrence, Lewis, Lindsay of Howard, Litchfield, Major, Manson, Marrs, McConnell, Miller, Mudget, Nelson, Owen, Price, Reynolds, Schoonover, Smith of Marion, Smith of Spencer, Stevens, Stover, Suit, Sumner, Sweet, Taggart, Walker, Wells, Williams, and Wilson—56.

Those who voted in the negative were,

Messrs. Davis of Franklin, Dice, Donham, Douthit, Graham, Gunn, Humphreys, McDowell, Ray, Torbet, Withers and Mr. Speaker—12.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

On motion by Mr. Owen,

House bill,

No. 137. A bill to provide for a general and uniform system of common schools, providing for the election and defining the duties of township trustees, circuit superintendents and State Superintendent of Public Instruction, providing for the custody and sale of school lands, the loaning of school funds, and the distribution thereof; the powers of the qualified voters of the township; of the powers and duties of incorporated cities and towns in relation to schools; of the duties of teachers and the evidence of their qualifications; for township school libraries and the custody and management thereof; for taxes in aid of school funds, and for the establishment of township libraries; defining the duties of county auditors and treasurers, and of the Auditor and Treasurer of State; in relation to school funds and township libraries; compensation of officers; and liability thereof for neglect of duty; duties of county commissioners and school commissioners; for a State Board of Education and the duties thereof; of the division of the State into school circuits; of the qualifications of voters in school corporations and their powers.

Was taken from the table.

The question pending being on the adoption of the amendment to the amendment offered by Mr. Holman on the 12th inst.

After debate,

On motion by Mr. Bryant,

The bill was laid on the table.

Mr. Gookins by unanimous consent obtained leave and introduced,

No. 281. A bill extending the admissibility of records in evidence;

Which was read a first time and passed to a second reading.

HOUSE BILLS ON SECOND READING.

No. 269. A bill amendatory of an act regulating descents and the distribution of estates;

Was read a second time and considered as in committee of the whole and reported to the House without amendment.

Mr. Suit moved to lay the bill on the table;

Which was disagreed to.

On motion,

The House resolved itself in committee of the whole on House bill No. 269,

Mr. McDonald in the chair.

After spending some time, the committee arose, reported progress, and asked to be discharged from further duties in relation thereto.

Which was concurred in.

On motion by Mr. Smith of Spencer,

The bill was laid on the table.

HOUSE BILLS ON SECOND READING.

No. 270. A bill to prevent the adulteration of wines, spirits, and other liquors;

Was read a second time and considered as in Committee of the Whole, and reported to the House without amendment.

Mr. Gookins moved to amend the bill by adding in the last section after the word "proof," the words "by common reputation."

Which was agreed to.

On motion by Mr. Owen,

The bill was referred to the Judiciary committee, with instructions to incorporate the provisions thereof in No. 118 of the Senate,—a bill defining misdemeanors, and prescribing punishment therefor.

No. 271. A bill giving validity to a certain class of contracts;

Was read a second time, and considered as in committee of the whole, and reported to the House without amendment.

Ordered, that this bill be engrossed.

No. 268. A bill to provide for the erection and repair of bridges;

Was read a second time, and considered as in committee of the whole, and reported to the House, with one amendment.

SEC. 2. Amend in the 30th line, after the word "tax," by adding "unless the citizens of such townships paying three-fourths of the taxes, remonstrate against building said bridge."

Mr. Carpenter moved to refer the bill and amendment to the Judiciary committee.

On motion by Mr. Donaldson,

The bill and amendment were laid on the table.

A message from the Senate by Mr. Dunn, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the engrossed amendment of the House to engrossed bill of the Senate No. 147, "A bill prescribing the manner of empanneling petit jurors, the number and compensation thereof."

Mr. Lavery, from the joint committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The joint committee on Enrolled Bills have compared Enrolled Joint Resolution of the House No. 28, with the engrossed copy thereof, and find the same correctly enrolled.

Mr. Smith of Marion, chairman of the committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The committee on Enrolled bills have compared the following enrolled with the engrossed bills of the House of the corresponding number, and find them correctly enrolled:

No. 236. An act containing several provisions regarding landlords, tenants, lessors and lessees.

No. 204. An act concerning the partition of lands.

No. 241. An act in relation to commissions, certificates and resignations of officers.

No. 244. An act concerning liens of mechanics, merchants and others.

No. 245. An act concerning the three per cent. fund, and the management thereof.

No. 253. An act concerning Saline lands.

No. 255. An act prescribing the duties of Treasurer of State.

Whereupon the Speaker signed the same.

Ordered, that the Clerk inform the Senate thereof.

On motion by Mr. Hay of Clark,
The House adjourned.

MONDAY MORNING, 8 o'clock, }
 May 17th, 1852. }

The House met.

The journal of the preceding day was partly read;
 When,

On motion by Mr. Withers,
 The further reading thereof was dispensed with.

PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Manson:

A memorial from sundry citizens of Montgomery county,
 praying the passage of a law similar to the Maine law;

Which,

On motion,
 Was referred to the committee on Temperance.

By Mr. Reynolds:

A memorial from sundry citizens of Grant county, praying the
 passage of a law similar to the Maine liquor law;

Which,

On motion,
 Was referred to the committee on Temperance.

By Mr. Hunt:

The memorial of sundry citizens of Laporte county, praying the
 passage of a law similar to the Maine law;

Which,

On motion,
 Was referred to the committee on Temperance.

ORDERS OF THE DAY.

On motion by Mr. Suit,
 The following messages from the Senate were taken up:

A message from the Senate by Mr. Dunn their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives
 that the Senate has passed the following engrossed bills thereof:

No. 157, entitled "an act authorizing the appointment and prescribing the powers of Commissioners in other States, to take acknowledgment of deeds and other instruments and depositions."

No. 158, entitled "an act declaring the law governing this State."

No. 159, "an act touching gaming contracts."

No. 161, entitled "an act declaring certain persons privileged from arrest on civil process."

In which the concurrence of the House is respectfully requested.

Senate bills Nos. 157, 158, 159 and 161 contained in the foregoing message were severally read a first time and passed to a second reading.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill thereof:

No. 149, entitled "an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties."

In which the concurrence of the House is respectfully requested.

Bill No. 149, contained in the foregoing message was read a first time and passed to a second reading.

A message from the Senate by Mr. Dunn their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bills thereof:

No. 142. A bill to organize the militia, providing for the appointment and describing the duties of certain officers thereof.

No. 150. A bill to repeal an act for the relief of Michael Granin, jr. late of Daviess county, approved February 13th, 1851.

In which the concurrence of the House is respectfully requested.

Senate bills Nos. 142 and 150 contained in the foregoing message were each read a first time and passed to a second reading.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill thereof:

No. 143. An act for the incorporation of Insurance companies, defining their powers, and prescribing their duties, and in relation to foreign Insurance companies and their agents.

In which the concurrence of the House is respectfully requested.
Senate bill No. 143, contained in the foregoing message was read a first time and passed to a second reading.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill thereof:
No. 151, entitled "a bill providing for the government of the State University, the management of its funds, and for the disposition of the lands thereof."

In which the concurrence of the House is respectfully requested.
Senate bill No. 151, contained in the foregoing message, was read a first time and passed to a second reading.

A message from the Senate, by Mr. Dunn, their secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill thereof:
No. 160. Entitled "An act touching the marriage relation, and liabilities incident thereto."

In which the concurrence of the House is respectfully requested.

Senate bill No. 160, contained in the foregoing message, was read a first time and passed to a second reading.

On motion by Mr. Owen,

House bill No. 137. A bill to provide for a general and uniform system of common schools, &c.,

Was taken from the table;

The question pending being on the amendment of Mr. Holman to the amendment reported by the committee on Revision, on the 12th inst., after debate,

On motion by Mr. Suit,
The House adjourned.

2 o'clock, P. M.

The House met and resumed the consideration of Mr. Holman's amendment to the amendment reported the 12th instant by the committee on Revision to bill of the House No. 137, to provide for a general and uniform system of common schools, &c.;

And the question being put on its adoption,

The ayes and noes were demanded by Messrs. McDonald and Lindsay of Howard.

Those who voted in the affirmative were,

Messrs. Beeson, Behm, Brady, Bulla, Buskirk, Carpenter, Cockrum, Crawford, Davis of Franklin, Dobson, Donaldson, Foster, Geddes, Gunn, Huffstetter, Kent, Lawrence, Manson, Mayfield, Miller, Morris, Nelson, Schoonover, Smith of Marion, Stevens, Struble, Torbet, and Withers—28.

Those who voted in the negative were,

Messrs. Beach, Beane, Bryant, Chowning, Cowgill, Crim, Dice, Donham, Donnohue, Douthit, Eccles, Goudy, Graham, Hanna, Hay of Clark, Helmer, Henry, Hicks, Humphreys, Hunt, Lavery, Lewis, Lindsay of Howard, Litchfield, Major, Marrs, McAllister, McConnell, McDonald, McDowell, Mudget, Owen, Price, Ray, Reynolds, Scudder, Shanklin, Smith of Spencer, Stover, Suit, Sumner, Sweet, Taggart, Walker, Watson, Wells, Williams, Wilson, and Mr. Speaker—49.

So the amendment was disagreed to.

Mr. Crim moved to amend the amendment as follows:

Section 9—strike out the fourth line and add, "for the education of the children therein;"

Which was agreed to.

Mr. Smith of Spencer submitted the following amendment to the amendment:

Strike out all in relation to circuit superintendents.

And the question being put,

The ayes and noes were demanded by Messrs. Owen and Smith of Spencer.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Behm, Brady, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Crawford, Crim, Cromwell, Davis of

Franklin, Dice, Dobson, Donaldson, Donham, Donnohue, Doughty, Douthit, Eccles, Foster, Goudy, Graham, Gunn, Hanna, Hay of Clark, Hicks, Hudson, Huffstetter, Humphreys, Kent, Lawrence, Lewis, Lindsay of Howard, Litchfield, Major, Marrs, Mayfield, McAllister, McConnell, McDonald, Miller, Morris, Nelson, Price, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Spencer, Smith of Marion, Stevens, Struble, Suit, Sumner, Sweet, Taggart, Torbet, Walker, Watson, Williams, Wilson, Withers, and Mr. Speaker—67.

Those who voted in the negative were,

Messrs. Bryant, Cowgill, Geddes, Helmer, Henry, Hunt, Lavery, Manson, McDowell, Mudget, Owen, Stover, and Wells—13.

So the amendment was agreed to.

Mr. Huffstetter moved to amend the amendment as follows:

In section 1, strike out the word "fifteen" in the third line, and insert "ten."

And the question being put,

The ayes and noes were demanded by Messrs. Huffstetter and Doughty.

Those who voted in the affirmative were,

Messrs. Beach, Beeson, Behm, Brady, Bulla, Buskirk, Cockrum, Carpenter, Crim, Cromwell, Davis of Franklin, Dice, Dobson, Donaldson, Donnohue, Doughty, Douthit, Eccles, Foster, Graham, Gunn, Hanna, Hay of Clark, Hicks, Hudson, Huffstetter, Humphreys, Kent, Lawrence, Lewis, Lindsay of Howard, Major, Marrs, Mayfield, McAllister, Morris, Nelson, Ray, Reynolds, Schoonover, Scudder, Shanklin, Stevens, Stover, Struble, Taggart, Torbet, Walker, Watson, Withers, and Mr. Speaker—51.

Those who voted in the negative were,

Messrs. Beane, Bryant, Chowning, Cowgill, Crawford, Donham, Geddes, Goudy, Helmer, Henry, Hunt, Lavery, Litchfield, Manson, McConnell, McDonald, McDowell, Miller, Mudget, Owen, Price, Smith of Marion, Smith of Spencer, Suit, Sumner, Sweet, Wells, Williams, and Wilson—29.

So the amendment was agreed to.

Mr. Taggart moved to amend the amendment as follows:

Strike out in section 55 the words "stay of execution or."

And the question being put,

The ayes and noes were demanded by Messrs. Withers and Taggart.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Brady, Bryant, Bulla, Buskirk, Chowning, Crawford, Cromwell, Dice, Dobson, Donaldson, Donham, Donnohue, Doughty, Douthit, Eccles, Foster, Graham, Gunn, Hay of Clark, Helmer, Henry, Hicks, Hudson, Huffstetter, Humphreys, Hunt, Kent, Lawrence, Lewis, Lindsay of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McConnell, McDonald, McDowell, Miller, Morris, Mudget, Nelson, Owen, Price, Reynolds, Schoonover, Scudder, Smith of Marion, Smith of Spencer, Stevens, Suit, Sumner, Sweet, Taggart, Torbet, Walker, Watson, Withers, and Mr. Speaker—62.

Those who voted in the negative were,

Messrs. Carpenter, Cockrum, Crim, Davis of Franklin, Geddes, Hanna, Lavery, McAllister, Ray, Stover, Struble, Wells, Williams, and Wilson—14.

So the amendment was agreed to.

Mr. Owen submitted the following amendment:

Insert after section 57—

SEC. —. That the State Board of Education shall consist of the State Superintendent of Public Instruction, the Governor, the Secretary, Treasurer, and Auditor of State.

Which was agreed to.

Mr. Smith of Marion moved to amend the second section of the amendment by inserting in the second line, after the words "surplus revenue fund," the words "county common school fund, and all funds heretofore appropriated to common schools."

Which was agreed to.

Mr. Suit moved to strike sections 149, 150, 151, 152, 153, 154, 155, 156, and 157 from the amendment;

And the question being put,

The ayes and noes were demanded by Messrs. Douthit and Taggart.

Those who voted in the affirmative were,

Messrs. Beeson, Behm, Buskirk, Carpenter, Cockrum, Cromwell, Davis of Franklin, Dobson, Doughty, Foster, Graham, Gunn, Helmer, Hicks, Huffstetter, Ray, Schoonover, Struble, Suit, Sumner, Wilson, Withers, and Mr. Speaker—23.

Those who voted in the negative were,

Messrs. Beach, Beane, Bryant, Bulla, Brady, Chowning, Crawford, Crim, Dice, Donaldson, Donham, Donnohue, Douthit, Eccles,
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Geddes, Goudy, Hanna, Hay of Clark, Henry, Hudson, Humphreys, Hunt, Kent, Laverty, Lawrence, Lewis, Lindsay of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Mudgett, Nelson, Owen, Price, Reynolds, Scudder, Smith of Marion, Smith of Spencer, Stevens, Stover, Sweet, Taggart, Torbet, Walker, Watson, Wells, and Williams—55.

So the amendment was disagreed to.

Mr. Donaldson moved to amend the amendment as follows :

SEC. 1st, strike out all after the word thereof in the 7th line and insert "shall not be assessed on the property of any negro or mulatto."

Which was agreed to.

Mr. Beeson moved to amend the amendment as follows :

SEC. —. *Provided*, That nothing in this act shall be so construed as to divert the common school fund that has been entrusted to the several counties, or tax that may be assessed and collected in any county for school purposes for the county in which such tax is assessed, or school fund entrusted.

Mr. Taggart moved to lay the amendment on the table ;

And the question being put,

The ayes and noes were demanded by Messrs. Manson and Taggart.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Bryant, Chowning, Crim, Cromwell, Dice, Donaldson, Donham, Douthit, Eccles, Geddes, Goudy, Graham, Hanna, Helmer, Henry, Hicks, Hudson, Huffstetter, Humphreys, Hunt, Laverty, Lewis, Lindsay of Howard, Litchfield, Major, Marrs, McAllister, McConnell, McDonald, McDowell, Morris, Mudgett, Nelson, Owen, Price, Ray, Reynolds, Scudder, Shanklin, Smith of Spencer, Suit, Sumner, Sweet, Taggart, Walker, Watson, Wells, Williams, Wilson and Mr. Speaker—52.

Those who voted in the negative were,

Messrs. Beeson Behm, Brady, Bulla, Buskirk, Carpenter, Cockrum, Cowgill, Crawford, Davis of Franklin, Dobson, Donnohue, Doughty, Gunn, Hay of Clark, Kent, Lawrence, Manson, Mayfield, Miller, Schoonover, Smith of Marion, Stevens, Stover, Struble, Torbet and Wiithers—27.

So the amendment to the amendment was laid on the table.

Mr. McDonald moved to amend the amendment as follows, viz :

Amend section 150, by striking out all after the word "libraries"

in the second line, and inserting in lieu thereof the following, "under the direction of the township trustees."

Amend section 151, so as to read as follows:

"The amount of the said taxes when collected shall be paid out by the county treasurer on the warrant of the county auditor, and the county auditor shall apportion to the different townships in the county, the amount of said taxes, in proportion to the amount of taxes paid by each township."

Strike out section 152.

On motion by Mr. Lavery,

The amendment to the amendment was laid on the table.

Mr. Crim moved to amend the amendment as follows:

Strike out section 72.

And the question being put,

The ayes and noes were demanded by Messrs. Owen and Lewis.

Those who voted in the affirmative were,

Messrs. Beeson, Behm, Brady, Bulla, Buskirk, Cockrum, Crawford, Crim, Cromwell, Davis of Franklin, Dobson, Donham, Donnohue, Doughty, Eccles, Geddes, Graham, Gunn, Hay of Clark, Helmer, Hicks, Huffstetter, Humphreys, Lawrence, Major, McDonald, Miller, Ray, Schoonover, Shanklin, Struble, Sumner, Walker, Wilson, Withers, and Mr. Speaker—36.

Those who voted in the negative were,

Messrs. Beach, Beane, Bryant, Chowning, Cowgill, Dice, Donaldson, Douthit, Gookins, Goudy, Hanna, Henry, Hudson, Hunt, Kent, Lavery, Lewis, Lindsay of Howard, Litchfield, Manson, Marrs, Mayfield, McAllister, McConnell, McDowell, Morris, Mudget, Nelson, Owen, Price, Reynolds, Scudder, Smith of Marion, Smith of Spencer, Stevens, Stover, Suit, Sweet, Torbet, Watson, Wells, and Williams—42.

So the amendment was disagreed to.

Mr. Buskirk moved to amend the amendment as follows:

Add to 2d section the following—

Provided, however, That the congressional township fund belonging to the reserved township in the county of Monroe, shall be exclusively applied to the support of schools within the same.

And the question being put on its adoption,

The ayes and noes were demanded by Messrs. Buskirk and Douthit.

Those who voted in the affirmative were,

Messrs. Beeson, Behm, Brady, Buskirk, Davis of Franklin, Dobson, Gookins, Graham, Manson, Stevens, Struble, Torbet and Wells—13.

Those who voted in the negative were,

Messrs. Beach, Beane, Bryant, Bulla, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Dice, Donaldson, Donham, Donnohue, Doughty, Douthit, Eccles, Geddes, Goudy, Gunn, Hanna, Hay of Clark, Helmer, Henry, Hicks, Hudson, Huffstetter, Humphreys, Hunt, Lavery, Lawrence, Lewis, Lindsay of Howard, Litchfield, Major, Marrs, Mayfield, McAllister, McConnell, McDowell, Miller, Morris, Mudget, Nelson, Price, Ray, Reynolds, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stover, Suit, Sumner, Sweet, Taggart, Walker, Watson, Williams, Wilson, Withers, and Mr. Speaker—63.

So the amendment was disagreed to.

On motion by Mr. Doughty,
The use of this Hall was granted the Free Soil Convention on tomorrow night.

Mr. Mudget moved the House adjourn;
Which was disagreed to.

Mr. Nelson submitted the following amendment to the amendment:
Add the following amendment in the proper place.

SEC. —. County libraries and county library funds shall be distributed by the county commissioners among the several townships, for the use of township libraries in the several townships in each county where such library is located, in a just and equitable manner.

Pending which,

A message from the Senate by Mr. Dunn their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bills of the House:

No. 233. An act providing for and regulating the relation of master and apprentice.

No. 240. An act prescribing the duties of Secretary of State.
Without amendment.

On motion by Mr. Beach,
The House adjourned.

TUESDAY MORNING, 8 o'clock, }
 May 18th, 1852. }

The House met.

The clerk proceeded to read the journal of yesterday.

Mr. Crim moved to dispense with the further reading thereof.

Which was disagreed to.

The journal was then read.

PETITIONS, AND MEMORIALS PRESENTED.

By Mr. Shanklin:

The memorial of sundry ladies and gentlemen of Madison county, praying the passage of a law similar to the Maine law;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Reynolds:

A memorial from sundry citizens of Grant county, praying the passage of a law similar to the Maine liquor law;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Hicks:

A memorial from sundry citizens of Jennings county, praying the passage of a law similar to the Maine liquor law;

Which,

On motion,

Was referred to the committee on Temperance.

ORDERS OF THE DAY.

The question pending at last adjournment, was on the adoption of Mr. Nelson's amendment to the amendment reported by the committee on Revision to House bill No. 137.

Mr. McDowell moved to lay the amendment on the table;

Which was disagreed to.

The question then recurred on the adoption of the amendment to the amendment;

And being put,

The ayes and noes were demanded by Messrs. McDowell and Mayfield.

Those who voted in the affirmative were,

Messrs. Beane, Beeson, Behm, Bryant, Bulla, Chowning, Crawford, Crim, Cromwell, Davis of Franklin, Dice, Donham, Douthit, Eccles, Foster, Geddes, Gookins, Goudy, Graham, Gunn, Hay of Clark, Hays of White, Henry, Hicks, Huey, Lawrence, Lewis, Lindsay of Howard, Litchfield, Major, Marrs, Mayfield, McAllister, McConnell, Miller, Morris, Mudgett, Nelson, Price, Ray, Smith of Spencer, Staton, Sumner, Sweet, Taggart, Walker, Williams, Withers, and Mr. Speaker—49.

Those who voted in the negative were,

Messrs. Beach, Brady, Buskirk, Carpenter, Cockrum, Cowgill, Dobson, Donaldson, Donnohue, Doughty, Hanna, Helmer, Huffstetter, Humphreys, Hunt, Lavery, Manson, McDonald, McDowell, Owen, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Stover, Struble, Torbet, Watson, Wells, and Wilson—31.

So the amendment was agreed to.

On motion by Mr. Owen,

The 76th section of the amendment of the committee was amended by striking out "school," and insert "judicial."

Mr. Hicks moved to amend the amendment as follows:

SEC. 74. Amend by striking out 2d, 3d and 4th lines. Also, strike out all of section 76, in relation to visiting circuits.

Mr. Douthit moved to amend section 76 by striking out "10" and insert "15."

Which was disagreed to.

The question then recurred on the adoption of Mr. Hicks's amendment.

Mr. Brady called a division of the question.

The question being put on the adoption of the first branch of the amendment:

The ayes and noes were demanded by Messrs. Hicks and Crim.

Those who voted in the affirmative were,

Messrs. Beeson, Behm, Buskirk, Cockrum, Crim, Cromwell, Davis of Franklin, Doughty, Graham, Gunn, Hay of Clark, Helmer, Hicks, Major, McDonald, Morris, Suit, Walker, Withers, and Mr. Speaker—20.

Those who voted in the negative were,

Messrs. Beach, Beane, Brady, Bryant, Bulla, Carpenter, Chowning, Cowgill, Crawford, Dice, Dobson, Donaldson, Donham, Donnohue, Douthit, Eccles, Foster, Geddes, Gookins, Goudy, Hanna, Hays of White, Henry, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, Lavery, Lawrence, Lewis, Lindsay of Howard, Litchfield, Manson, Marrs, Mayfield, McAllister, McConnell, McDowell, Miller, Mudgett, Nelson, Owen, Price, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stevens, Stover, Struble, Sweet, Taggart, Torbet, Watson, Wells, Williams, and Wilson—63.

So the first branch of the proposition was disagreed to.

Mr. Hicks then withdrew the second branch of his proposition.

Mr. Owen submitted the following amendment to the amendment:

Strike out section 152 and insert—

SEC. 152. The State Board of Education shall, when such libraries have been received cause the same to be distributed to the townships.

Strike out of section 80, the words "circuit superintendents."

In section 179, strike out "circuit superintendents," and insert "township trustees."

In section 75, strike out "circuit superintendents," and insert "proper officers."

In section 20, strike out "circuit superintendents," and insert "State Superintendent."

In section 138, strike out the words "circuit superintendent, and thence to the," and insert "county auditor."

Strike out of section 139, "circuit superintendent," and insert "county auditor."

In section 140, strike out "or of the circuit superintendent," and insert "county auditor."

Add to section 20 the following: "And also stating the number of select schools in the township, so far as the same can be ascertained, with the number of pupils, their ages and sex, and branches taught, and the average wages of teachers, both in the public and the select schools."

Add after section 84, the following section:

SEC. 85. He shall, by himself or deputy, (of whom he is authorized to appoint one in each county,) examine all applicants for license; and if found qualified, license them as common school teachers for one or two years. Such superintendent and his deputies shall keep account of all licenses issued, specifying date and period of their expiration; such licenses may be revoked if the person prove incompetent, but the teacher's claim for services to the date of revocation, shall not be prejudiced thereby. All licenses shall be gratuitous.

In section 26, last line, strike out "circuit" and insert "State."

Strike out section 30, and insert—

SEC. 30. The State Superintendent shall inform all county auditors of the sum to which their county is entitled, and also a statement of the amount to be distributed to each of the incorporated cities, towns, or townships of such counties, according to the number of scholars in each.

The propositions were considered separately, and agreed to.

On motion by Mr. Owen,

The vote taken on the adoption of the amendment offered by Mr. Donaldson on yesterday, relative to excepting the property of Negroes and Mulattoes from taxation,

Was reconsidered.

Mr. Owen moved to modify the amendment to the 1st section offered by Mr. Donaldson on yesterday, so as to read,

"Shall be assessed only upon persons other than negroes or mulattoes and upon the property of such persons only."

Which was agreed to.

Mr. Carpenter moved to amend the amendment as follows:

SEC. 70. Add after the 5th line and before the 6th line, "clerk for examination of title 50 cents."

Which was disagreed to.

Mr. Huffstetter submitted the following amendment to the amendment:

SEC. 152. The Libraries when purchased shall be distributed as follows: to counties having a population of more than fifteen thousand, ten libraries; to counties having a population of more than ten thousand and less than fifteen thousand, eight libraries; and to counties containing a population of less than ten thousand, six libraries; which shall be equally distributed by the county commissioners, and shall be in the charge of the trustees of the township in which the same may be located.

On motion by Mr. McDowell,

The amendment to the amendment was laid on the table.

Mr. Cowgill moved to amend section 152 of the amendment, so as to require the State Board of Education to distribute the libraries amongst the several counties in the State in proportion to the number of inhabitants in each and the county auditor of each county shall distribute said libraries amongst the several townships of their respective counties in proportion to the number of inhabitants in each.

Which was disagreed to.

Mr. Buskirk moved to amend the amendment as follows:

SEC. —. The State Library shall be distributed among the several school townships in this State in proportion to the number of children in such township.

And the question being put,

The ayes and noes were demanded by Messrs. McDonald and Graham.

Those who voted in the affirmative were,

Messrs. Beeson, Behm, Buskirk, Carpenter, Cowgill, Crawford, Cromwell, Davis of Franklin, Donham, Donnohue, Doughty, Foster, Graham, Gunn, Huey, Major, Manson, McDonald, McDowell, Wilson, and Mr. Speaker—21.

Those who voted in the negative were,

Messrs. Beach, Beane, Brady, Bryant, Bulla, Chowning, Cockrum, Crim, Dice, Dobson, Donaldson, Douthit, Eccles, Geddes, Gookins, Goudy, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Hudson, Huffstetter, Humphreys, Hunt, Kent, Laverty, Lawrence, Lewis, Lindsay of Howard, Litchfield, Marrs, Mayfield, McAllister, McConnell, Miller, Morris, Mudget, Nelson, Owen, Price, Ray, Reynolds, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stevens, Struble, Suit, Sweet, Taggart, Torbet, Walker, Watson, Wells, Williams, and Withers—60.

Mr. Stoyer refused to vote.

So the amendment to the amendment was disagreed to.

Mr. Gookins moved to amend the 34th section of the amendment by adding the following words: "a sale for taxes."

Which was agreed to.

Mr. Carpenter moved to amend the amendment as follows:

SEC. 70. Add in the 6th line, after the word certificate and before each, "and examining title."

Which was agreed to.

Mr. Donaldson moved to amend the amendment as follows:

Amend by striking out section 35, and insert, "the trustees shall appraise any lands offered in mortgage."

Which was agreed to.

Mr. Graham moved to amend the amendment as follows:

Add to the end of section 10: "And at such meeting said trustees shall exhibit an account of the number of days each have been employed during the year in the discharge of their duty as such trustees, who shall be entitled to receive one dollar and fifty cents per day for the time actually spent in the school affairs of their township.

And the question being put;

The ayes and noes were demanded by Messrs. Graham and Brady.

Those who voted in the affirmative were,

Messrs. Beane, Beeson, Behm, Brady, Bulla, Buskirk, Cowgill, Crim, Cromwell, Donham, Doughty, Douthit, Eccles, Gookins, Graham, Gunn, Hay of Clark, Henry, Hicks, Hunt, Lawrence, Lewis, Lindsay of Howard, Litchfield, Manson, Marrs, McAllister, McConnell, McDonald, McDowell, Owen, Reynolds, Shanklin, Smith of Marion, Smith of Spencer, Suit, Sumner, Sweet, Watson, Williams, Wilson, and Withers—42.

Those who voted in the negative were,

Messrs. Beach, Bryant, Carpenter, Chowning, Cockrum, Crawford, Davis of Franklin, Dice, Dobson, Donaldson, Foster, Geddes, Goudy, Hanna, Hays of White, Helmer, Hudson, Huey, Huffstetter, Humphreys, Lavery, Major, Mayfield, Miller, Morris, Mudgett, Nelson, Price, Ray, Schoonover, Scudder, Staton, Stevens, Stover, Struble, Taggart, Torbet, Walker, Wells, and Mr. Speaker—40.

So the amendment to the amendment was agreed to.

Mr. Hicks moved to amend the amendment by striking out "7 per cent." and insert "8," in section 47.

On motion by Mr. Humphreys,

The amendment to the amendment was laid on the table.

Mr. Struble moved to amend the amendment as follows:

Amend 1st section by striking out the word "five" in the 6th line.

Also amend section 149 by striking out the word "five" in sixth line.

And the question being put on its adoption,

The ayes and noes were demanded by Messrs. McDowell and Lindsay of Howard.

Those who voted in the affirmative were,

Messrs. Beeson, Behm, Bulla, Buskirk, Crawford, Cromwell, Davis of Franklin, Doughty, Foster, Graham, Gunn, Hay of Clark, Huey, Manson, McDonald, McDowell, Morris, Ray, Schoonover, Smith of Marion, Smith of Spencer, Struble, Sumner, Taggart, and Withers—25.

Those who voted in the negative were,

Messrs. Beane, Brady, Bryant, Carpenter, Chowning, Cockrum, Cowgill, Crim, Dice, Dobson, Donaldson, Donham, Donnohue, Douthit, Eccles, Geddes, Gookins, Goudy, Hanna, Hays of White, Helmer, Henry, Hicks, Hudson, Humphreys, Hunt, Kent, Lavery, Lawrence,

Lewis, Lindsay of Howard, Litchfield, Major, Marrs, Mayfield, McAllister, McConnell, Miller, Mudget, Nelson, Owen, Price, Reynolds, Scudder, Shanklin, Staton, Stevens, Stover, Suit, Sweet, Torbet, Walker, Watson, Wells, Williams, Wilson, and Mr. Speaker—57.

So the amendment to the amendment was disagreed to.

Mr. Cockrum moved to amend the amendment as follows, viz:

Insert in its proper place a provision that there shall be one district trustee, in each school district; whose duty it shall be to give notice to the voters in his district of all public meetings of such voters; to decide where their school house is to be built; the school where taught, &c., and to superintend all other things necessary to the welfare of such school.

On motion by Mr. Brady,

The amendment to the amendment was laid on the table.

Mr. Lewis moved to amend the amendment as follows:

SEC. —. It shall be the duty of the township trustees to elect annually one of their number township librarian.

Which was agreed to.

Mr. Buskirk moved to amend the amendment as follows:

Amend section 47, by striking out 7 and insert 6.

And the question being put,

The ayes and noes were demanded by Messrs. Doughty and Behm.

Those who voted in the affirmative were,

Messrs. Beeson, Behm, Brady, Bulla, Carpenter, Crim, Cromwell, Davis of Franklin, Doughty, Douthit, Geddes, Graham, Hay of Clark, Helmer, Hicks, Huffstetter, Humphreys, Major, McDonald, Morris, Schoonover, Smith of Marion, Smith of Spencer, Suit, Sumner, Taggart, Wells, and Mr. Speaker—28.

Those who voted in the negative were,

Messrs. Beach, Beane, Bryant, Chowning, Cowgill, Dice, Dobson, Donaldson, Donham, Donnohue, Eccles, Foster, Gookins, Goudy, Gunn, Hanna, Hays of White, Henry, Huey, Hunt, Kent, Laverty, Lawrence, Lewis, Lindsay of Howard, Litchfield, Manson, Marrs, Mayfield, McAllister, McConnell, Miller, Mudget, Nelson, Owen, Price, Ray, Reynolds, Scudder, Shanklin, Staton, Stevens, Stover, Struble, Sweet, Torbet, Walker, Watson, Williams, and Wilson—50.

So the amendment was not adopted.

Mr. Bryant moved to amend the amendment as follows, viz:

Add to 69th section—

"And upon all sales for non-payment of loans, the 5 per cent. damages accruing thereon."

Which was agreed to.

Mr. Humphreys moved to amend the amendment as follows:

The auditors in their respective counties shall loan the money equally among the different townships, if there are applicants in said townships;

Which was agreed to.

Mr. Hay of Clark moved to amend the amendment as follows:

The county auditor and treasurer, under the direction of the board of county commissioners shall have the power to compound for debts of any of the school funds which are considered as lost or unsafe.

Which was agreed to.

Mr. Miller moved to amend the amendment as follows, viz:

In section 8, add after the word "teacher" the following: "subject to the approval of a majority of those to whom sent."

Which was disagreed to.

Mr. McDonald moved to amend the amendment as follows:

Strike out all that part of the bill allowing pay to the auditor and treasurer for the performance of duties in connection with the school fund;

And the question being put,

The ayes and noes were demanded by Messrs. McDonald and Nelson.

Those who voted in the affirmative were,

Messrs. Beeson, Behm, Carpenter, Cromwell, Davis of Franklin, Dobson, Donham, Douthit, Foster, Graham, Hicks, Major, McDonald, McDowell, Mudgett, Staton, and Williams—17.

Those who voted in the negative were,

Messrs. Beach, Beane, Brady, Bryant, Bulla, Buskirk, Chowning, Cowgill, Crawford, Crim, Dice, Donaldson, Donnohue, Doughty, Eccles, Geddes, Goudy, Gunn, Hanna, Hay of Clark, Helmer, Henry, Huey, Huffstetter, Humphreys, Hunt, Kent, Lavery, Lawrence, Lewis, Lindsay of Howard, Litchfield, Manson, Mayfield, McAllister, McConnell, Miller, Nelson, Owen, Price, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stevens, Stover, Struble, Suit, Sweet, Taggart, Torbet, Walker, Watson, Wells, Wilson, and Mr. Speaker—59.

So the amendmet to the amendment was disagreed to.

Mr. Lindsay of Howard moved to amend the 43d section by striking out all after the word "improvements," in the second line.

Which was agreed to.

On motion by Mr. Lindsay of Howard,

The 113th section of the amendment was amended as follows:

Strike out "five" and insert "two."

Mr. Lindsay of Howard offered the following amendment:

Amend 106th section as follows: Strike out "voters" and insert "votes cast."

Which was agreed to.

Mr. Graham moved to amend the amendment as follows:

In section 43, strike out in line 2, "perishable."

Which was disagreed to.

The question then being put on concurring in the amendment of the committee as amended,

It was agreed to.

The bill was then ordered to be engrossed.

HOUSE BILLS ON SECOND READING.

No. 272. A bill to repeal an act entitled an act to annex the town of Belleville to the town of Mount Vernon, approved February 11th, 1851;

Was read a second time and considered as in committee of the whole, and reported to the House without amendment.

Ordered, that this bill be engrossed.

No. 273. A bill to authorize rail road companies to increase the amount of their capital stock;

Was read a second time, and considered as in committee of the whole, and reported to the House without amendment.

On motion by Mr. Behm,

The bill was referred to a select committee of three, with instructions to perfect the bill.

Bessrs. Behm, Suit, and Hay of Clark, were appointed said committee.

No. 274. A bill in relation to navigable water courses, and the enjoyment thereof;

Was read a second time, and considered as in committee of the whole, and reported to the House without amendment.

On motion by Mr. Huffstetter,

The bill was referred to the committee on Roads.

On motion by Mr. Buskirk,

Senate bill No. 59. A bill authorizing the boards doing county business to declare water courses navigable;

Was taken from the table.

The question pending being on the adoption of the following amendment—

“So that no person shall be required to work more than 4 days in any one year,”—

To Mr. Buskirk's amendment to the bill,

Mr. Buskirk accepted the amendment to his proposition.

The question then recurred on the adoption of the amendment to the bill;

And being put,

It was agreed to.

Mr. Behm moved to lay the bill on the table;

Which was disagreed to.

The bill was then ordered to a third reading, and the amendment ordered to be engrossed.

On motion by Mr. Stover,

Senate bill 117. A bill for the incorporation of manufacturing and mining companies, and companies for mechanical, chemical and building purposes;

Was taken from the table.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Crim, Cromwell, Davis of Franklin, Dice, Dobson, Donaldson, Donham, Donnohue, Doughty, Douthit, Eccles, Foster, Geddes, Gookins, Goudy, Gunn, Hanna, Hay of Clark, Hays of White, Henry, Hicks, Huey, Huffstetter, Humphreys, Hunt, Laverty, Lawrence, Lewis, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McConnell, Miller, Morris, Nelson, Owen, Price, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stevens, Stover, Struble, Suit, Sumner, Taggart, Torbet, Walker, Watson, Wells, Wilson, and Mr. Speaker—75.

Those who voted in the negative were,

Messrs. McDonald, McDowell, and Williams—3.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

On motion by Mr. Stover,

Senate bill No. 148, A bill touching the laying out and vacation of towns, streets, alleys and public grounds, and the making out and recording plats of such towns;

Was taken from the table.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Bryant, Bulla, Buskirk, Carpenter, Chowning, Crawford, Crim, Cromwell, Dice, Dobson, Donaldson, Donham, Donnohue, Doughty, Douthit, Eccles, Foster, Geddes, Gookins, Goudy, Graham, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Huey, Huffstetter, Humphreys, Laverty, Lawrence, Lindsay of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McConnell, McDowell, Miller, Morris, Nelson, Owen, Price, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stevens, Stover, Struble, Suit, Sweet, Taggart, Torbet, Walker, Watson, Wells, Williams, Wilson, and Mr. Speaker—70.

Mr. Gunn voted in the negative.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

House bill No. 276, A bill relative to the salaries of public officers, and providing the manner of paying the same;

Was read a second time and considered as in Committee of the Whole, and reported to the House without amendment.

Mr. Suit submitted the following amendment to the bill:

SEC. 1. To the judges of the supreme and circuit courts fifteen hundred dollars.

On motion by Mr. Suit,

The further consideration of this bill was postponed until to-morrow morning 9 o'clock.

No. 267. A bill to provide for the opening, vacating and change of highways;

Was read a second time and considered as in Committee of the Whole, and reported to the House without amendment.

Mr. Lawrence moved to amend the bill as follows:

Add the following section—

The township board of any township, on petition of an individual desiring to plant a hedge on his land adjoining a public highway, may grant such individual the privilege of placing his fence seven feet on such highway; *Provided*, said fence will not be an obstruction to the highway.

Mr. Cowgill moved to lay the bill and amendment on the table and print 150 copies of each;

Pending which,

On motion by Mr. Manson,

The House adjourned.

2 o'clock, P. M.

The House met.

The question pending, being the motion of Mr. Cowgill to lay the bill and pending amendment on the table and print 150 copies of each.

Mr. Cowgill called a division of the question.

The question being put first on laying the bill on the table.

It was agreed to.

The question then being put to print the bill and amendment.

The ayes and noes were demanded by Messrs. Wilson and Huey.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Behm, Bryant, Buskirk, Carpenter, Cowgill, Crim, Cromwell, Dice, Donnohue, Doughty, Eccles, Foster, Gookins, Gunn, Hart, Helmer, Henry, Hudson, Hunt, Lavery, Lindsey of Franklin, Linsday of Howard, Litchfield, Major, McConnell, Miller, Mudget, Nelson, Owen, Price, Ray, Scudder, Smith of Marion, Smith of Spencer, Struble, Sweet, Taggart, Thompson and Torbet—42.

Those who voted in the negative were,

Messrs. Brady, Bulla, Davis of Franklin, Dobson, Donaldson, Douthit, Goudy, Graham, Hanna, Hay of Clark, Hicks, Huey, Huffstetter, Humphreys, Lawrence, Lewis, Mayfield, McDowell, Morris, Porter, Schoonover, Shanklin, Staton, Stevens, Stover, Suit, Walker, Watson, Wells, Williams, Wilson, Withers and Mr. Speaker—33.

So the bill and amendment were ordered to be printed.

No. 275. A bill to provide for the erection of an armory and the preservation of the State arms and accoutrements;

Was read a second time, and considered as in committee of the whole, and reported to the House without amendment.

Mr. Huffstetter moved to amend the bill by requiring that said building shall be erected on lot 8, square 48, in the city of Indianapolis.

On motion by Mr. McDowell,

The bill and amendment were laid on the table.

No. 268. A bill to provide for the erection and repair of bridges;
Was read a third time.

Mr. Graham moved to lay the bill on the table.

Which was agreed to.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Bryant, Bulla, Crim, Dice, Dobson, Donaldson, Donham, Douthit, Eccles, Foster, Geddes, Goudy, Gunn, Hanna, Hart, Henry, Hicks, Huey, Huffstetter, Humphreys, Kent, Lavery, Lawrence, Lewis, Lindsey of Fayette, Litchfield, McAllister, McDowell, Morris, Mudget, Nelson, Owen, Porter, Reynolds, Schoonover, Scudder, Smith of Marion, Smith of Spencer, Stevens, Stover, Struble, Taggart, Walker, Watson, Wells, Williams, Wilson, Withers and Mr. Speaker—52.

Those who voted in the negative were,

Messrs. Behm, Brady, Buskirk, Carpenter, Cowgill, Cromwell, Davis of Franklin, Donnohue, Doughty, Gookins, Graham, Hay of Clark, Hays of White, Helmer, Hudson, Hunt, Lindsay of Howard, Major, Mayfield, McConnell, Miller, Ray, Shanklin, Staton, Sumner, Sweet, Thompson, and Torbet—28.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

The Speaker laid before the House a communication from one hundred citizens of Harrison county, adverse to the passage of stringent laws on the subject of temperance;

Which,

On motion by Mr. Smith of Marion,

Was referred to the committee on Temperance.

By unanimous consent of the House,

Mr. Smith of Spencer presented the temperance memorial of sundry citizens of Spencer county;

Which,

On motion,

Was referred to the committee on Temperance.

No. 271. A bill giving validity to a certain class of contracts;

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Bryant, Bulla, Buskirk, Carpenter, Crim, Cromwell, Davis of Franklin, Dice, Donham, Donnohue,

Doughty, Douthit, Eccles, Foster, Geddes, Gookins, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, Lavery, Lawrence, Lewis, Lindsey of Fayette, Linsday of Howard, Litchfield, Major, Manson, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stevens, Stover, Struble, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—74.

Those who voted in the negative were,

Messrs. Behm, Brady, Cowgill, Mayfield, and Sumner—5.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

No. 277. A bill to authorize the State Printer to print, bind and publish one thousand copies of the laws passed by the present General Assembly, in the German language;

Was read a second time and considered as in committee of the whole, and reported to the House without amendment.

Mr. McDowell moved to amend the bill by striking out the word "bind."

Which was disagreed to.

Mr. Shanklin moved to lay the bill on the table;

And the question being put,

The ayes and noes were demanded by Messrs. Withers and Behm.

Those who voted in the affirmative were,

Messrs. Carpenter, Cowgill, Cromwell, Geddes, Gookins, Goudy, Hay of Clark, Hudson, Huffstetter, Hunt, Lavery, Lawrence, Lewis, Manson, Marrs, Mudget, Owen, Reynolds, Schoonover, Scudder, Shanklin, Staton, Stover, Thompson, Watson, and Wells—26.

Those who voted in the negative were,

Messrs. Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Crawford, Crim, Davis of Franklin, Dice, Dobson, Donaldson, Donham, Donnohue, Doughty, Douthit, Eccles, Foster, Graham, Gunn, Hart, Hays of White, Helmer, Henry, Hicks, Huey, Humphreys, Hunt, Lindsey of Fayette, Linsday of Howard, Litchfield, Major, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Nelson, Porter, Price, Ray, Smith of Marion, Smith of Spencer,

Stevens, Struble, Sweet, Taggart, Torbet, Walker, Williams, Wilson, Withers, and Mr. Speaker—56.

So the bill was not laid on the table.

Mr. Doughty moved to amend the bill as follows:

Insert in the proper place, "that they shall be distributed in proportion to the German inhabitants in each county."

And the question being put,

The ayes and noes were demanded by Messrs. Doughty and Williams.

Those who voted in the affirmative were, ✓✓✓

Messrs. Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Cowgill, Cromwell, Davis of Franklin, Dice, Donaldson, Donham, Doughty, Douthit, Eccles, Gookins, Graham, Gunn, Hart, Hay of Clark, Helmer, Henry, Hicks, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Marrs, McConnell, McDowell, Mudget, Nelson, Owen, Porter, Price, Ray, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stevens, Struble, Suit, Sumner, Sweet, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—60.

Those who voted in the negative were,

Messrs. Buskirk, Crim, Dobson, Foster, Geddes, Goudy, Hanna, Hays of White, Laverty, Lawrence, Manson, McAllister, Morris, Reynolds, Schoonover, Staton, Stover, Taggart, and Thompson—19.

So the amendment was agreed to.

Mr. Carpenter moved to amend the bill by striking out "1,000" and insert "100."

Mr. Withers moved to lay the amendment on the table;

And the question being put,

The ayes and noes were demanded by Messrs. Hanna and Withers.

Those who voted in the affirmative were,

Messrs. Beane, Behm, Bryant, Bulla, Buskirk, Cowgill, Crawford, Davis of Franklin, Dice, Donaldson, Donham, Donnohue, Doughty, Douthit, Eccles, Foster, Gookins, Graham, Gunn, Hanna, Hart, Helmer, Henry, Hicks, Huey, Huffstetter, Hunt, Kent, Laverty, Lewis, Lindsay of Howard, Litchfield, Major, Marrs, Mayfield, McConnell, McDowell,

Morris, Nelson, Owen, Price, Ray, Reynolds, Schoonover, Smith of Marion, Smith of Spencer, Stover, Sweet, Taggart, Torbet, Walker, Watson, Williams, Wilson, and Withers—55.

Those who voted in the negative were,

Messrs. Beach, Beeson, Brady, Carpenter, Crim, Cromwell, Dobson, Geddes, Goudy, Hay of Clark, Hays of White, Hudson, Lawrence, Lindsey of Fayette, McAllister, Miller, Porter, Scudder, Shanklin, Staton, Stevens, Struble, Thompson, Wells, and Mr. Speaker—25.

So the amendment was laid on the table.

Mr. Lewis offered the following amendment:
Strike out "1000" and insert "2000."

Mr. Behm moved to lay the amendment on the table;
And the question being put,

The ayes and noes were demanded by Messrs. Lewis and Hay of Clark.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Behm, Bulla, Buskirk, Carpenter, Crim, Davis of Franklin, Dice, Dobson, Donaldson, Donham, Donnohue, Douthit, Eccles, Foster, Goudy, Graham, Gunn, Hay of Clark, Helmer, Henry, Hicks, Hudson, Huey, Huffstetter, Hunt, Kent, Lavery, Lawrence, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Marrs, McAllister, McConnell, McDowell, Miller, Morris, Mudget, Nelson, Owen, Price, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Spencer, Staton, Struble, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams, Wilson and Withers—62.

Those who voted in the negative were,

Messrs. Beeson, Brady, Bryant, Cowgill, Doughty, Geddes, Gookins, Hanna, Hart, Hays of White, Humphreys, Lewis, Mayfield, Porter, Smith of Marion, Stevens, Torbet, and Mr. Speaker—18.

So the amendment was laid on the table.

Mr. Morris moved to amend the bill by striking out "1000," and insert "500;"

Which was disagreed to.

Mr. Cowgill moved to amend the bill by inserting in the proper place, "100 copies in the Pottowatomie language."

Mr. Nelson moved to lay the amendment on the table;

Which was disagreed to.

Mr. Carpenter moved to amend the amendment by adding "1000 copies in the French language."

Mr. Donaldson moved to indefinitely postpone the bill;

And the question being put,

The ayes and noes were demanded by Messrs. Withers and Behm.

Those who voted in the affirmative were,

Messrs. Brady, Crim, Donaldson, Laverty, Lawrence, Manson, McAllister, Morris, Porter, Reynolds, Schoonover, Scudder, Shanklin, Staton, Stover, and Wells—16.

Those who voted in the negative were,

Messrs. Beane, Beeson, Behm, Bryant, Bulla, Buskirk, Carpenter, Cowgill, Crawford, Cromwell, Davis of Franklin, Dice, Donham, Donnohue, Doughty, Douthit, Eccles, Foster, Geddes, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, Lewis, Lindsey of Fayette, Linsday of Howard, Litchfield, Major, Marrs, Mayfield, McConnell, McDonald, McDowell, Miller, Mudgett, Nelson, Owen, Price, Ray, Smith of Marion, Smith of Spencer, Struble, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Williams, Wilson, Withers and Mr. Speaker—67.

So the bill was not indefinitely postponed.

The question being put on the adoption of Mr. Carpenter's amendment to the amendment,

It was disagreed to.

The question being on the adoption of Mr. Cowgill's amendment,

On motion by Mr. Behm,

The amendment was laid on the table.

On motion by Mr. Hay of Clark,

The last section of the bill was stricken out.

Mr. Graham moved to amend the bill by striking out "2000," and insert "3000;"

Which was disagreed to.

Mr. Torbet submitted the following amendment to the bill:

Amend section 1—Strike out from the enacting clause, and insert "That of the laws of this session of the General Assembly, there shall be printed in the German language, and bound for distribution, 2000 copies, to be distributed among the several counties according to the number of German inhabitants; but each county shall be entitled to at least two copies."

On motion by Mr. Torbet,

The bill and amendments were referred to a select committee of three.

Messrs. Torbet, Hay of Clark, and Withers, were appointed said committee.

HOUSE BILLS ON SECOND READING.

No. 278. A bill to extend the time for complying with the provisions of an act entitled "an act for the relief of the persons therein named," approved January 26, 1847;

Was read a second time and considered as in Committee of the Whole, and reported to the House without amendment.

Ordered, that this bill be engrossed.

No. 279. A bill to require certain officers to execute further official bonds;

Was read a second time, and considered as in committee of the whole, and reported to the House without amendment.

Ordered that this bill be engrossed.

No. 280. A bill to amend the charter of the city of Indianapolis;

Was read a second time, and considered as in committee of the Whole, and reported to the House without amendment.

On motion by Mr. Lindsay of Howard,

The bill was referred to the Judiciary committee.

Senate bill No. 142. A bill to organize the militia, providing for the appointment and prescribing the duties of certain officers thereof;

Was read a second time, and considered as in committee of the whole, and reported to the House without amendment.

On motion by Mr. Doughty,

The bill was referred to the committee on Military Affairs.

By unanimous consent of the House,

Mr. Bryant obtained leave and introduced

No. 282. A bill to establish a house of refuge for juvenile offenders in the State of Indiana;

Which was read a first time and passed to a second reading.

On motion by Mr. Nelson,

The following message from the Senate was taken up:

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House:

No. 139. An act to establish a system of general banking."

With the accompanying engrossed amendments of the Senate thereto, in which the concurrence of the House is respectfully requested.

On motion by Mr. Behm,

The engrossed amendments of the Senate were considered separately.

Mr. Lindsay of Howard moved to lay the bill and amendments on the table.

Which was disagreed to.

The question then being on concurring in the first amendment of the Senate,

Mr. Lindsay of Howard moved to postpone the further consideration of the bill until Thursday next.

Which was disagreed to.

Mr. Manson moved the House adjourn;

And the question being put;

The ayes and noes were demanded by ten members.

Those who voted in the affirmative were,

Messrs. Buskirk, Crawford, Doughty, Henry, Hicks, Huffstetter, Manson, McConnell, McDowell, Morris, Sweet, and Torbet—12.

Those who voted in the negative were,

Messrs. Beane, Beeson, Behm, Brady, Bryant, Bulla, Carpenter, Cowgill, Crim, Cromwell, Davis of Franklin, Dice, Dobson, Donaldson, Donham, Donnohue, Douthit, Eccles, Foster, Geddes, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Hudson, Huey, Humphreys, Hunt, Kent, Lavery, Lawrence, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Marrs, Mayfield, McAllister, McDonald, Miller, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stevens, Stover, Struble, Suit, Sumner, Taggart, Thompson, Walker, Watson, Wells, Williams, Wilson, Withers and Mr. Speaker—71.

So the House refused to adjourn.

Mr. Hicks moved to postpone the bill until Friday next at 2 o'clock.

And the question being put,
The ayes and noes were demanded by Messrs. Manson and McDowell.

Those who voted in the affirmative were,

Messrs. Beane, Buskirk, Crawford, Dobson, Doughty, Douthit, Eccles, Graham, Gunn, Henry, Hicks, Huffstetter, Humphreys, Lindsay of Howard, Litchfield, Major, Manson, McConnell, McDowell, Morris, Reynolds, Schoonover, Staton, Struble, Sweet, Thompson, Torbet, and Wells—28.

Those who voted in the negative were,

Messrs. Beeson, Behm, Brady, Bryant, Bulla, Carpenter, Cowgill, Crim, Cromwell, Davis of Franklin, Dice, Donaldson, Donham, Donnohue, Foster, Geddes, Gookins, Goudy, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Hudson, Huey, Kent, Laverty, Lawrence, Lewis, Lindsey of Fayette, Marrs, Mayfield, McAllister, McDonald, Miller, Nelson, Owen, Porter, Price, Ray, Shanklin, Smith of Marion, Smith of Spencer, Stevens, Stover, Suit, Sumner, Taggart, Walker, Watson, Williams, Wilson, Withers and Mr. Speaker—54.

So the further consideration of the bill was not postponed.

The question then recurred on concurring in the first engrossed amendment of the Senate;

And being put,

The ayes and noes were demanded by Messrs. Behm and Manson.

Those who voted in the affirmative were,

Messrs. Beane, Beeson, Bryant, Bulla, Buskirk, Carpenter, Cowgill, Crawford, Davis of Franklin, Dice, Dobson, Donaldson, Donham, Doughty, Eccles, Foster, Geddes, Gookins, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Hicks, Hudson, Huey, Humphreys, Hunt, Kent, Laverty, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Marrs, Mayfield, McAllister, McDonald, Miller, Nelson, Owen, Porter, Price, Ray, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stevens, Stover, Struble, Suit, Sweet, Torbet, Watson, Wells, Williams, Wilson, Withers and Mr. Speaker—62.

Those who voted in the negative were,

Messrs. Behm, Brady, Crim, Cromwell, Donnohue, Douthit, Goudy, Graham, Gunn, Henry, Huffstetter, Lawrence, Major, Manson, Morris, Mudget, Sumner, Taggart, Thompson and Walker—20.

Mr. McDowell refused to vote.

So the 1st amendment was concurred in.

The question being put on concurring in the 2nd engrossed amendment.

It was agreed to.

The question then being put on concurring in the 3rd engrossed amendment of the Senate.

The ayes and noes were demanded by Messrs. Behm and McDowell.

Those who voted in the affirmative were,

Messrs. Beane, Beeson, Brady, Bryant, Buskirk, Carpenter, Cowgill, Crawford, Crim, Davis of Franklin, Dice, Donham, Donnohue, Doughty, Eccles, Foster, Gookins, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Hudson, Huey, Humphreys, Hunt, Kent, Lavery, Lawrence, Lewis, Lindsey of Fayette, Litchfield, Major, Marrs, Mayfield, McAllister, McDonald, Miller, Nelson, Owen, Porter, Price, Reynolds, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stevens, Stover, Struble, Suit, Sweet, Torbet, Watson, Wells, Williams, Wilson and Withers—59.

Those who voted in the negative were,

Messrs. Behm, Bulla, Cromwell, Dobson, Donaldson, Douthit, Geddes, Goudy, Graham, Hart, Hicks, Huffstetter, Lindsay of Howard, McConnell, Morris, Mudget, Ray, Schoonover, Sumner, Taggart, Thompson, Walker and Mr. Speaker—23.

So the third amendment was concurred in.

The question being put on concurring in the 4th engrossed amendment,

It was agreed to.

The question being put on concurring in the 5th engrossed amendment of the Senate,

The ayes and noes were demanded by Messrs. Behm and McDowell.

Those who voted in the affirmative were,

Messrs. Beane, Beeson, Bryant, Bulla, Buskirk, Carpenter, Cowgill, Crawford, Dice, Dobson, Donham, Douthit, Eccles, Foster, Gookins, Graham, Gunn, Hanna, Hart, Hay of Clark, Helmer, Henry, Hicks, Hudson, Huey, Huffstetter, Humphreys, Hunt, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Marrs, Mayfield, McAllister, McConnell, McDonald, Miller, Morris, Mudget, Nelson, Owen, Porter, Price, Ray, Reynolds, Schoonover, Smith of Marion, Smith of Spencer, Staton, Stevens, Stover, Struble, Suit, Sweet, Taggart, Thompson, Torbet, Watson, Wells, Williams, Wilson and Withers—63.

Those who voted in the negative were,

Messrs. Behm, Brady, Crim, Cromwell, Davis of Franklin, Donaldson, Doughty, Geddes, Goudy, Hays of White, Kent, Laverty, Lawrence, Lewis, Shanklin, Walker and Mr. Speaker—17.

So the 5th engrossed amendment was concurred in.

The 6th and subsequent engrossed amendments of the Senate, were concurred in.

Ordered that the Clerk inform the Senate thereof.

Mr. Cowgill from the committee on Enrolled Bills made the following report:

MR. SPEAKER:

The committee on Enrolled Bills have compared the following enrolled bill with the engrossed bill of the House and find the same correctly enrolled, to-wit: No. 240. An act prescribing the duties of Secretary of State.

Whereupon the Speaker signed the same.

Ordered that the clerk inform the Senate thereof.

On motion by Mr. McDonald,
The House adjourned.

WEDNESDAY MORNING, 8 o'clock, }
 May 19th, 1852.

The House met.

The Clerk proceeded to read the journal,
 When,

On motion by Mr. Owen,
 The further reading thereof was dispensed with.

Mr. Hudson moved to reconsider the vote of yesterday on concurring in the 5th engrossed amendment of the Senate to House bill No. 139, to authorize general banking;

And the question being put,

The ayes and noes were demanded by Messrs. Douthit and Buskirk.

Those who voted in the affirmative were,

Messrs. Beeson, Behm, Brady, Bryant, Carpenter, Chowning, Cromwell, Davis of Franklin, Donaldson, Donnohue, Doughty, Eccles, Geddes, Goudy, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Hudson, Hunt, Laverty, Lawrence, Lindsey of Fayette, Mayfield, McDonald, Miller, Owen, Porter, Shanklin, Smith of Marion, Stevens, Stover, Sumner, Thompson, Watson, Wilson, and Mr. Speaker—38.

Those who voted in the negative were,

Messrs. Beach, Beane, Bulla, Buskirk, Crawford, Crim, Dice, Dobson, Donham, Douthit, Foster, Graham, Henry, Hicks, Huey, Humphreys, Lindsay of Howard, Litchfield, Major, Manson, Marrs, McAllister, McConnell, McDowell, Morris, Nelson, Price, Reynolds, Schoonover, Struble, Sweet, Taggart, Walker, Wells, and Williams—35.

So the vote was reconsidered.

Mr. Lindsay of Howard moved to postpone the further consideration of the subject until Friday next, at 10 o'clock, A. M.;

And the question being put,

The ayes and noes were demanded by Messrs. Hudson and Doughty.

Those who voted in the affirmative were,

Messrs. Beane, Behm, Bulla, Buskirk, Crim, Dobson, Doughty,

Douthit, Eccles, Foster, Gunn, Hart, Henry, Hicks, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, McConnell, Morris, Mudgett, Schoonover, Struble, Suit, Sweet, Torbet, and Wells—27.

Those who voted in the negative were,

Messrs. Beach, Beeson, Brady, Bryant, Carpenter, Chowning, Cowgill, Crawford, Cromwell, Davis of Franklin, Dice, Donaldson, Donham, Donnohue, Geddes, Gookins, Goudy, Graham, Hanna, Hay of Clark, Hays of White, Helmer, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, Lavery, Lawrence, Lewis, Manson, Marrs, Mayfield, McAllister, McDonald, McDowell, Miller, Nelson, Owen, Porter, Price, Ray, Reynolds, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stevens, Stover, Sumner, Taggart, Thompson, Walker, Watson, Wilson, Withers, and Mr. Speaker—59.

So the subject was not so postponed.

Mr. Humphreys moved to lay the bill and amendments on the table;

And the question being put,

The ayes and noes were demanded by Messrs. Humphreys and Lindsay of Howard.

Those who voted in the affirmative were,

Messrs. Bulla, Buskirk, Crim, Doughty, Douthit, Graham, Gunn, Hart, Hicks, Huffstetter, Humphreys, Lewis, Lindsay of Howard, Major, Manson, McConnell, McDowell, Morris, Mudgett, Reynolds, Schoonover, Struble, Suit, Torbet, and Wells—25.

Those who voted in the negative were,

Messrs. Beach, Beane, Beeson, Behm, Brady, Bryant, Carpenter, Chowning, Cowgill, Crawford, Cromwell, Davis of Franklin, Dice, Donaldson, Donham, Donnohue, Eccles, Foster, Geddes, Gookins, Goudy, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Hudson, Huey, Hunt, Kent, Lavery, Lawrence, Lindsey of Fayette, Litchfield, Marrs, Mayfield, McAllister, McDonald, Miller, Nelson, Owen, Porter, Price, Ray, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stevens, Stover, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wilson, Withers, and Mr. Speaker—60.

So the bill and amendments were not laid on the table.

The question then recurred on concurring in the 5th engrossed amendment of the Senate;

And being put,
The ayes and noes were demanded by Messrs. Kent and Graham.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Bulla, Buskirk, Crawford, Crim, Donham, Douthit, Foster, Graham, Gunn, Hart, Helmer, Henry, Hicks, Huey, Huffstetter, Humphreys, Lindsay of Howard, Litchfield, Major, Manson, McAllister, McConnell, McDowell, Morris, Mudget, Nelson, Porter, Ray, Reynolds, Schoonover, Scudder, Staton, Stover, Struble, Sweet, Taggart, Torbet, Wells, Williams, and Withers—42.

Those who voted in the negative were,

Messrs. Beeson, Behm, Brady, Bryant, Carpenter, Chowning, Cowgill, Cromwell, Davis of Franklin, Dice, Donaldson, Donnohue, Doughty, Eccles, Geddes, Gookins, Goudy, Hanna, Hay of Clark, Hudson, Hunt, Kent, Lavery, Lawrence, Lewis, Lindsey of Fayette, Marrs, Mayfield, McDonald, Owen, Price, Shanklin, Smith of Marion, Smith of Spencer, Stevens, Suit, Sumner, Thompson, Walker, Watson, Wilson, and Mr. Speaker—43.

So the House refused to concur in the 5th engrossed amendment of the Senate.

Ordered, that the Clerk inform the Senate thereof.

The Speaker laid before the House the following communication and the report therein referred to:

COMMISSIONERS' ROOM, }
May 18, 1852. }

HON. WM. H. ENGLISH,

Speaker of the House of Representatives:

You will please lay before the body over which you have the honor to preside, the accompanying report of a Code of Procedure in criminal actions.

Very respectfully,
Your ob't serv'ts,

WALTER MARCH,
GEO. W. CARR,
LUCIAN BARBOUR,
Commissioners.

On motion by Mr. Humphreys,

The report was referred to the select committee heretofore appointed on the Pleadings and Practice in civil actions.

The House proceeded to the consideration of

No. 276. A bill relative to the salaries of public officers, and providing the manner of paying the same;

Postponed till this hour; when,

On motion by Mr. Nelson,

A call of the House was ordered.

The Clerk proceeded to the call, when the following members answered to their names, viz:

Messrs. Beach, Beane, Beeson, Behm, Bryant, Buskirk, Carpenter, Chowning, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Dice, Dobson, Donaldson, Donnohue, Doughty, Douthit, Eccles, Foster, Geddes, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, Lavery, Lawrence, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Mudgett, Nelson, Owen, Porter, Price, Ray, Reynolds, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stevens, Struble, Suit, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams, Wilson, and Mr. Speaker—80.

On motion by Mr. Suit,

The further call of the House was dispensed with.

The question pending being on the adoption of Mr. Suit's amendment to the bill offered on yesterday,

Mr. Graham moved to amend the amendment as follows:

Strike out \$1500 and insert \$800.

And the question being put,

The ayes and noes were demanded by Messrs. Graham and Williams.

Those who voted in the affirmative were,

Messrs. Crim, Davis of Franklin, Dobson, Donham, Eccles, Goudy, Graham, Gunn, Hart, Huey, Lawrence, Morris, Porter, Staton, Taggart, Thompson, Williams, Withers and Mr. Speaker—19.

Those who voted in the negative were,

Messrs. Beach, Beane, Beeson, Behm, Brady, Bryant, Buskirk, Carpenter, Chowning, Cowgill, Crawford, Dice, Donaldson, Donnohue, Doughty, Douthit, Foster, Geddes, Gookins, Hanna, Hay of

Clark, Hays of White, Helmer, Henry, Hicks, Hunt, Lavery, Lewis, Lindsey of Fayette, Linsday of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McConnell, McDonald, Miller, Mudget, Nelson, Owen, Price, Ray, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stevens, Stover, Struble, Suit, Sweet, Torbet, Walker, Watson, Wells, and Wilson—59.

So the amendment to the amendment was disagreed to.

Mr. Owen submitted the following amendment:

Raise the salary of Governor to.....	\$1,500
“ “ Supreme Judges to.....	1,200
“ “ Circuit Judges to.....	1,200
“ “ State officers to.....	1,200
“ “ State Librarian to.....	700

Mr. Suit accepted this as a substitute for his amendment.

Mr. Williams called a division of the question.

The question being first put on the Governor's salary,

The ayes and noes were demanded by Messrs. Graham and Mudget.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Brady, Bryant, Buskirk, Carpenter, Chowning, Cowgill, Crawford, Dice, Donaldson, Geddes, Gookins, Hanna, Hay of Clark, Henry, Hunt, Kent, Lawrence, Lewis, Lindsey of Fayette, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Mudget, Nelson, Owen, Price, Ray, Reynolds, Scudder, Smith of Marion, Stover, Struble, Suit, Sweet, Taggart, Wells, and Wilson—47.

Those who voted in the negative were,

Messrs. Behm, Bulla, Crim, Cromwell, Davis of Franklin, Dobson, Donham, Donnohue, Doughty, Douthit, Eccles, Foster, Goudy, Graham, Gunn, Hart, Helmer, Hicks, Huey, Huffstetter, Humphreys, Lawrence, Linsday of Howard, Morris, Porter, Schoonover, Shanklin, Smith of Spencer, Staton, Stevens, Sumner, Thompson, Torbet, Walker, Watson, Williams, and Mr. Speaker—37.

So the first proposition was agreed to.

The question being on the adoption of the second amendment, allowing the Supreme Judges \$1,200;

On motion by Mr. Kent,

Mr. Gookins was excused from voting on this proposition.

Mr. Carpenter moved to amend the amendment by striking out "1,200" and insert "1,300."

And the question being put,

The ayes and noes were demanded by Messrs. McDowell and Mudget.

Those who voted in the affirmative were,

Messrs. Bryant, Carpenter, Cowgill, Hay of Clark, Hunt, Kent, McDonald, Owen, Smith of Marion, Suit, and Torbet—11.

Those who voted in the negative were,

Messrs. Beach, Beane, Beeson, Behm, Brady, Bulla, Buskirk, Chowning, Crawford, Crim, Cromwell, Davis of Franklin, Dice, Dobson, Donaldson, Donham, Donnohue, Doughty, Douthit, Eccles, Foster, Geddes, Goudy, Graham, Gunn, Hanna, Hart, Helmer, Henry, Hicks, Huey, Huffstetter, Humphreys, Lavery, Lawrence, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McConnell, McDowell, Miller, Morris, Mudget, Nelson, Porter, Price, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Spencer, Staton, Stevens, Stover, Struble, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—73.

So the amendment to the amendment was disagreed to.

The question then recurred on the adoption of the second proposition, to allow Supreme Judges \$1,200 each.

And being put,

The ayes and noes were demanded by Messrs. Graham and Mudget.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Brady, Bryant, Chowning, Cowgill, Dice, Dobson, Donaldson, Geddes, Hay of Clark, Hunt, Kent, Lavery, Lindsey of Fayette, Litchfield, Manson, McAllister, McConnell, McDonald, Nelson, Owen, Price, Smith of Marion, Stover, Suit, Taggart, Torbet, and Mr. Speaker—30.

Those who voted in the negative were,

Messrs. Behm, Bulla, Buskirk, Carpenter, Crawford, Crim, Cromwell, Davis of Franklin, Donham, Donnohue, Doughty, Douthit, Eccles, Foster, Goudy, Graham, Gunn, Hanna, Hart, Helmer, Henry, Hicks, Huey, Huffstetter, Humphreys, Lawrence, Lewis, Lindsay of Howard, Major, Marrs, Mayfield, McDowell, Miller, Morris, Mudget, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin,

Smith of Spencer, Staton, Stevens, Struble, Sunner, Sweet, Thompson, Walker, Watson, Wells, Williams, Wilson, and Withers—54.

So the second proposition was disagreed to.

Mr. Hay of Clark moved to amend the amendment by striking out 1200 and insert 800 as the salary of supreme judges.

Mr. English moved to lay the amendment on the table.

And the question being put,

The ayes and noes were demanded by Messrs. Hay of Clark, and McDowell.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Crim, Dice, Donaldson, Donnohue, Douthit, Foster, Geddes, Goudy, Hanna, Hart, Helmer, Henry, Hicks, Huey, Huffstetter, Humphreys, Kent, Lavery, Lawrence, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McAllister, McConnell, Morris, Mudget, Nelson, Owen, Price, Reynolds, Ray, Schoonover, Scudder, Smith of Marion, Smith of Spencer, Stevens, Stover, Struble, Sweet, Taggart, Thompson, Torbet, Watson, Wells, Wilson, Withers, and Mr. Speaker—59.

Those who voted in the negative were,

Messrs. Behm, Cowgill, Crawford, Cromwell, Davis of Franklin, Donham, Doughty, Eccles, Graham, Gunn, Hay of Clark, Hunt, McDowell, Shanklin, Suit, Sumner, Walker and Williams—18.

So the amendment was laid on the table.

Mr. Carpenter moved to amend the bill by striking out \$1000 and insert \$1200 for each supreme and circuit judge.

And the question being put,

The ayes and noes were demanded by Messrs. Graham and Mudget.

Those who voted in the affirmative were,

Messrs. Beach, Brady, Bryant, Carpenter, Chowning, Cowgill, Geddes, Henry, Hunt, Kent, Lavery, Litchfield, McAllister, McConnell, McDonald, Nelson, Owen, Price, Smith of Marion, Stover, Suit, Torbet, and Mr. Speaker—23.

Those who voted in the negative were,

Messrs. Beane, Beeson, Behm, Bulla, Buskirk, Crawford, Crim, Cromwell, Davis of Franklin, Dice, Dobson, Donham, Donnohue,

Doughty, Douthit, Eccles, Foster, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Helmer, Hicks, Huey, Huffstetter, Humphreys, Lewis, Lindsey of Fayette, Linsday of Howard, Major, Marrs, Mayfield, McDowell, Miller, Morris, Mudgett, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Spencer, Staton, Struble, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams, Wilson, and Withers—57.

So the amendment was disagreed to.

Mr. Reynolds moved to amend the amendment by striking out \$1200 and insert \$1100."

On motion by Mr. Doughty,

The amendment was laid on the table.

Mr. Owen withdrew so much of his amendment as related to the salary of circuit judges.

On motion by Mr. Sumner,

The House adjourned.

2 o'clock, P. M.

The House met.

The question being put on the adoption of the 4th proposition of Mr. Owen's amendment,

The ayes and noes were demanded by Messrs. Graham and Hay of Clark.

Those who voted in the affirmative were,

Messrs. Bryant, Carpenter, Cowgill, Gookins, Henry, Hunt, Litchfield, Manson, McConnell, McDonald, Nelson, Owen, Stover, and Suit.
—14.

Those who voted in the negative were,

Messrs. Beane, Behm, Brady, Bulla, Buskirk, Chowning, Cockrum, Crawford, Davis of Franklin, Dice, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Hicks, Hudson, Huey, Huffstetter, Humphreys, Lawrence, Leviston, Linsday of Howard, Major, Marrs, Mayfield, McAllister, McDowell, Miller, Morris, Mudgett, Price, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stevens, Struble, Sumner, Sweet, Tag-

gart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—63.

So the 4th proposition was disagreed to.

The question being put on the 5th proposition of Mr. Owen's amendment, allowing the State Librarian \$700,

The ayes and noes were demanded by Messrs. Behm and Graham.

Those who voted in the affirmative were,

Messrs. Brady, Bryant, Buskirk, Cowgill, Douthit, Gookins, Hays of White, Hunt, Lavery, Manson, McConnell, McDonald, Nelson, Owen, Smith of Marion, Smith of Spencer, Stover, Suit, Torbet, and Mr. Speaker—20.

Those who voted in the negative were,

Messrs. Beane, Behm, Bulla, Carpenter, Chowning, Cockrum, Crawford, Davis of Franklin, Dice, Dobson, Donaldson, Donham, Doughty, Eccles, Foster, Geddes, Graham, Gunn, Hanna, Hay of Clark, Helmer, Henry, Hicks, Hudson, Huey, Huffstetter, Humphreys, Lawrence, Leviston, Lindsay of Howard, Litchfield, Major, Marrs, Mayfield, McAllister, McDowell, Miller, Morris, Mudget, Price, Ray, Reynolds, Schoonover, Scudder, Shanklin, Staton, Stevens, Struble, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams, Wilson, and Withers—59.

So the 5th proposition was disagreed to.

Mr. Behm moved to amend the bill by striking out "1000" and insert "1500" as the salary for supreme and circuit judges;

And the question being put,

The ayes and noes were demanded by Messrs. Schoonover and Davis of Franklin.

Those who voted in the affirmative were,

Messrs. Beach, Behm, Bryant, Carpenter, Cowgill, Hay of Clark, Henry, Hunt, McDonald, Nelson, Owen, Price, Stover, and Suit—14.

Those who voted in the negative were,

Messrs. Beane, Brady, Bulla, Buskirk, Chowning, Cockrum, Crawford, Cromwell, Davis of Franklin, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Graham, Gunn, Hanna, Hart, Hays of White, Helmer, Hicks, Hudson, Huey, Huffstetter, Humphreys, Lavery, Lawrence, Leviston, Lindsey of Fay-

ette, Lindsay of Howard, Litchfield, Major, Marrs, Mayfield, McAllister, McConnell, McDowell, Miller, Morris, Mudget, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stevens, Struble, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—66.

So the amendment was disagreed to.

Mr. Huffstetter moved to amend the bill by striking out "1500" and insert "1000" as the salary of the State Superintendent of Public Instruction.

Mr. Graham moved to amend the amendment by striking out "1000" and insert "800."

Mr. Manson called the previous question;
Which was not seconded by the House.

Mr. Hanna moved to lay the amendment and the amendment to the amendment on the table.

Mr. Doughty called a division of the question.

The question being put first on laying the amendment to the amendment on the table,

The ayes and noes were demanded by Messrs. Lewis and Graham.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Bryant, Bulla, Buskirk, Carpenter, Chowning, Crawford, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Gookins, Geddes, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Hudson, Huey, Huffstetter, Humphreys, Hunt, Lavery, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McConnell, Miller, Morris, Mudget, Nelson, Owen, Price, Ray, Reynolds, Schoonover, Scudder, Smith of Marion, Smith of Spencer, Stevens, Stover, Struble, Suit, Sweet, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, and Mr. Speaker—66.

Those who voted in the negative were,

Messrs. Behm, Brady, Cockrum, Cowgill, Cromwell, Davis of Franklin, Eccles, Foster, Graham, McDonald, McDowell, Porter, Shanklin, Staton, Sumner, Taggart, and Withers—17.

So the amendment to the amendment was laid on the table.

Mr. Hanna then withdrew his motion to lay the amendment on the table.

Mr. Hanna moved to amend the amendment by striking out \$1000 and insert \$1300.

On motion by Mr. Williams,

The amendment to the amendment was laid on the table.

The question then recurred on the adoption of Mr. Huffstetter's amendment;

And being put,

The ayes and noes were demanded by Messrs. Huffstetter and Mudget.

Those who voted in the affirmative were,

Messrs. Beane, Behm, Brady, Bulla, Chowning, Cockrum, Cromwell, Dobson, Donaldson, Donham, Doughty, Eccles, Foster, Geddes, Graham, Gunn, Hart, Hay of Clark, Helmer, Hicks, Huey, Huffstetter, Humphreys, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Major, Marrs, Mayfield, McAllister, McConnell, McDonald, Miller, Morris, Mudget, Porter, Price, Ray, Schoonover, Scudder, Shanklin, Smith of Spencer, Staton, Stevens, Struble, Suit, Sumner, Taggart, Thompson, Walker, Watson, Williams, Wilson, and Mr. Speaker—56.

Those who voted in the negative were,

Messrs. Beach, Bryant, Buskirk, Carpenter, Cowgill, Crawford, Dice, Douthit, Gookins, Hanna, Hays of White, Helmer, Hudson, Hunt, Lavery, Litchfield, Manson, McDowell, Nelson, Owen, Reynolds, Smith of Marion, Stover, Sweet, Torbet, Wells, and Withers—27.

So the amendment was agreed to.

Mr. Lindsay of Howard, moved to amend the 2d section of the bill as follows:

After the word "State," in the 1st line, add "\$800."

Which was agreed to.

Mr. Suit moved to reconsider the vote fixing the salary of the Governor at \$1500.

And the question being put,

The ayes and noes were demanded by Messrs. Suit and Mudget.

Those who voted in the affirmative were,

Messrs. Behm, Brady, Bulla, Cockrum, Cowgill, Cromwell, Davis of Franklin, Doughty, Eccles, Graham, Gunn, Hay of Clark, Hays of White, Hicks, Lewis, Mayfield, Porter, Shanklin, Staton, Stevens, Suit, Sumner, Thompson, Walker, Watson, and Mr. Speaker—26.

Those who voted in the negative were,

Messrs. Beach, Beane, Bryant, Buskirk, Carpenter, Chowning, Crawford, Dice, Dobson, Donaldson, Donham, Douthit, Foster, Geddes, Gookins, Hanna, Helmer, Henry, Huey, Huffstetter, Humphreys, Hunt, Lavery, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Marrs, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Mudget, Nelson, Owen, Price, Ray, Reynolds, Schoonover, Scudder, Smith of Marion, Smith of Spencer, Stover, Struble, Sweet, Taggart, Wells, Williams, Wilson, and Withers—55.

So the vote was not reconsidered.

Mr. Cowgill moved to amend the bill by striking out all that relates to salaries, and provide that the offices shall respectively be farmed out to the lowest bidder, without any regard whatever to the qualifications of the purchaser for the duties thereof;

Which was disagreed to.

Mr. Stover moved to amend the bill by striking out 500, and insert six hundred dollars as the compensation for State Librarian.

Mr. Behm moved to lay the amendment on the table;

And the question being put,

The ayes and noes were demanded by Messrs. Behm and Stover.

Those who voted in the affirmative were,

Messrs. Behm, Bulla, Carpenter, Cockrum, Cowgill, Cromwell, Davis of Franklin, Donham, Doughty, Eccles, Foster, Geddes, Goudy, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Hudson, Huffstetter, Humphreys, Lawrence, Leviston, Lewis, Lindsey of Fayette, Litchfield, Major, Marrs, Mayfield, McAllister, McDowell, Mudget, Porter, Price, Ray, Schoonover, Scudder, Shanklin, Staton, Stevens, Struble, Suit, Sumner, Taggart, Thompson, Watson, Wilson, and Withers—51.

Those who voted in the negative were,

Messrs. Beach, Beane, Brady, Bryant, Buskirk, Chowning, Dice, Donaldson, Douthit, Gookins, Hart, Huey, Hunt, Lavery, Lindsay of Howard, Manson, McConnell, Miller, Morris, Nelson, Owen, Reynolds, Smith of Marion, Smith of Spencer, Stover, Sweet Walker, Wells, Williams, and Mr. Speaker—30.

So the amendment was laid on the table.

Mr. Bryant moved to amend the bill by striking out "\$1000" for superintendent of Deaf and Dumb and Insane and insert "\$1200."

Mr. Beach moved to postpone the further consideration of the bill until Saturday next at 9 o'clock, A. M.

Which was disagreed to.

The question being on the adoption of Mr. Bryant's amendment.

Mr. Donaldson called a division of the question.

The question being first put on increasing the salary of the superintendent of the Deaf and Dumb to "\$1200."

The ayes and noes were demanded by Messrs. Smith of Marion and Graham.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Behm, Brady, Bryant, Bulla, Carpenter, Chowning, Crim, Cromwell, Davis of Franklin, Dice, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gookins, Goudy, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Hudson, Hunt, Kent, Lavery, Lawrence, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Marrs, Mayfield, McAllister, Nelson, Porter, Price, Reynolds, Schoonover, Scudder, Smith of Marion, Stevens, Struble, Suit, Sumner, Sweet, Taggart, Torbet, Walker, Watson and Williams—57.

Those who voted in the negative were,

Messrs. Buskirk, Cockrum, Crawford, Dobson, Donaldson, Hart, Huey, Huffstetter, Humphreys, Leviston, Major, Manson, McConnell, McDowell, Miller, Morris, Ray, Shanklin, Smith of Spencer, Staton, Stover, Thompson, Wells, Wilson Withers and Mr. Speaker—26.

So the first proposition in the amendment was agreed to.

The question then being put on the adoption of the second branch of the amendment relative to increasing the salary of the superintendent of the Insane asylum;

It was agreed to.

Mr. Doughty moved to amend the bill by striking out "\$800" and insert "\$1000," as the salary for the superintendent of the Blind Asylum;

Which was agreed to.

The bill was then ordered to be engrossed.

The Speaker laid before the House the following communication and the accompanying report of the directors of the Indiana Mutual Fire Insurance Company:

OFFICE INDIANA MUTUAL FIRE INSURANCE Co., }
 Indianapolis, May 17, 1852. }

HON. WM. H. ENGLISH,

Speaker of the House of Representatives:

SIR:—Inclosed, please find copy of the Fifteenth Annual Report of the Directors of this Company to the members, as required by the twenty-second section of the act of incorporation.

Very respectfully,

Your obedient servant,

CHAS. W. CADY, *Secretary.*

On motion by Mr. Hay of Clark,
 The report was laid on the table.

PETITIONS AND REMONSTRANCES PRESENTED.

By Mr. Suit ;

The memorial of sundry citizens of Clinton county on the subject of the liquor traffic ;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Cowgill ;

A petition and remonstrance from sundry citizens of Wabash, in reference to legalizing elections in the corporation of said town ;

Which,

On motion,

Was referred to the committee on Corporations.

By Mr. Scudder ;

The memorial of sundry citizens of Maysville, Daviess county, praying the passage of a law similar to the Maine law ;

Which,

On motion,

Was referred to the committee on Temperance.

REPORTS FROM COMMITTEES.

Mr. McDonald, chairman of the committee on Manufactures and Commerce, made the following report :

MR. SPEAKER :

The committee on Manufactures and Commerce to which was re-

ferred bill of the House No. 263, entitled "an act regulating the hours of manual labor, have had the same under consideration and directed me to report the same back with the following amendments, and when so amended to recommend its passage: amend the first section by striking out the word "ten" wherever it occurs and insert the word "eight." Strike out the second section.

Which was concurred in.

And the bill ordered to be engrossed.

Mr. Stover, from the joint select committee on Revision, made the following report:

MR. SPEAKER:

The select joint committee on Revision, to whom was referred the subject, have directed me to report No. 283, "a bill regulating the fees of officers," and to recommend its passage.

The bill was read a first time and passed to a second reading.

On motion by Mr. Brady,

The petition of A. H. Davidson was taken from the table and referred to the committee on Ways and Means with instructions:

To enquire into the propriety of directing the Auditor of State to settle with the heirs of Noah Noble one of the late canal commissioners.

ORDERS OF THE DAY.

On motion by Mr. Nelson,

The following message from the Senate, was taken up:

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill thereof:

No. 153, entitled "a bill providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and of the heirs thereto and certain forms to be used in such settlement."

In which the concurrence of the House is respectfully requested.

Mr. Nelson moved to suspend the rule and read the bill contained in the foregoing message by its title.

Those who voted in the affirmative were,

Messrs. Beane, Brady, Bryant, Bulla, Buskirk, Carpenter, Cowgill, Crim, Dice, Dobson, Donham, Doughty, Douthit, Foster, Geddes, Hanna, Hays of White, Henry, Hudson, Huey, Huffstetter, Humphreys, Hunt, Laverty, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Marrs, McAllister, Miller, Morris, Nelson, Porter, Ray, Reynolds, Schoonover, Stevens, Stover, Struble, Suit, Torbet, Wells, Williams, Wilson and Mr. Speaker—49.

Those who voted in the negative were,

Messrs. Crawford, Cromwell, Eccles, Goudy, Graham, Gunn, Hart, Hay of Clark, Helmer, Hicks, Mayfield, McDowell, Shanklin, Smith of Marion, Smith of Spencer, Staton, Sumner, Taggart, Thompson, Watson and Withers—21.

So the rule was suspended and the bill read a first time by its title, and passed to a second reading.

On motion by Mr. Torbet,

Mr. Holman obtained leave of absence for the remainder of this week.

A message from the Senate by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has receded from its 5th engrossed amendment to House bill No. 139, "an act to establish a system of general banking."

A message from the Senate by Mr. Dunn their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bills of the House:

No. 202. An act prescribing the number and defining the powers and duties of constables.

No. 224. An act to authorize and limit allowances by courts and boards, and drafts upon county treasurers.

No. 225. An act concerning fugitives from justice.

No. 249. An act prescribing the powers and duties of Auditor of State.

No. 264. An act prescribing the duties of Governor.
Without amendment.

On motion by Mr. Reynolds,
The House adjourned.

THURSDAY MORNING, 8 o'clock, }
May 20th, 1852. }

The House met.

The clerk proceeded to read the journal.

Mr. Foster moved to dispense with the further reading of the journal;

Which was disagreed to.

The journal was then read.

REPORTS FROM COMMITTEES.

Mr. Helmer, from the committee on Banks, made the following report:

MR. SPEAKER:

The committee on Banks, to whom was referred resolution of the House instructing said committee to negotiate with the President of the State Bank in relation to the terms which said bank may submit as the ultimatum of their proposition in regard to the purchase of the interest of the State in the State Bank, report that they have discharged said duty, and without expressing an opinion as to the policy of selling said interest at the present time, herewith submit the communication of the President and Cashier of said State Bank, and ask to be discharged from further consideration of the subject.

[COMMUNICATION.]

The undersigned, a committee appointed by the Board of Directors of the State Bank of Indiana, to confer with any committee or agents appointed in reference to the inquiry of the Hon. the House of Representatives of the State, "whether the Bank would purchase the interest of the State in the State Bank, and on what terms,"

respectfully state to the Hon. committee so appointed by the House of Representatives:

That if, consistently with the obligations incurred to the purchasers of the bonds of the State issued for her loans for banking purposes, a sale of the interest of the State in the Bank can properly be made, we feel authorized to say that, if a prompt payment for the stock is required, the Bank will give the State par for the stock of the State in the Bank, being \$1,006,604 27, *in cash, payable on the transfer of the stock*: or, if payment for the stock would be acceptable to the State in instalments, a premium over such par value of the stock, such as would be fair and equitable having reference to the periods for paying such instalments, would also be paid by the Bank.

It is assumed in the above, that the past profits to the State, arising from her investment in the State Bank, and which have been received by the Sinking Fund, shall remain belonging to the State; and that the legislation necessary to provide for such disposal, and to enable the Bank to make such purchase, as well as to secure the obligations and rights consequent thereon, would be made.

In any offer for the stock of the State, the undersigned regard it of course as intrinsically worth more than the offer, as it would be the expectation of the Bank to realize more from the stock than she would give for it, as otherwise she would increase her obligations, without any justifiable object.

The Bank has not sought to change her relations with the State, but to continue in them, with all her rights and privileges, to the close of the charter, and fulfilling every just expectation of the State.

J. MORRISON, *Prest.*,

JAMES M. RAY, *Cashier.*

STATE BANK, Indianapolis, 18th May, 1852.

By unanimous consent of the House,
Mr. Stover obtained leave and introduced

No. 284. A bill to authorize the township trustees to construct levees and assess a tax therefor;

Which was read a first time and passed to a second reading.

By unanimous consent of the House,
Mr. Behm obtained leave and made the following report:

MR. SPEAKER:

The select committee to whom was referred House bill No. 273, entitled "an act to authorize rail road companies to increase the amount of their capital stock," have had the same under consideration, and have directed me to report the same back to the House

with the following amendments, and when so amended they would recommend its passage:

Insert in the next to the last line, after the word "necessary," the words "not to exceed the sum of twenty-five thousand dollars a mile, inclusive of their original capital."

Add the following section to the bill:

SEC. 2. The stockholders of any railroad company heretofore incorporated in this State, or that may be hereafter incorporated, may, by the vote of a majority in interest of the stockholders of such company, at any annual or other meeting thereof, determine that the directors of said company shall consist of any number not less than five nor more than thirteen, who shall be chosen from any of the stockholders; and thereafter such company may elect from any of their stockholders the number of directors they have fixed and determined upon as aforesaid, in the same manner and with the same effect as if this section was contained in the original act incorporating such company.

The report was concurred in, and the amendments adopted.

On motion by Mr. Nelson,

The bill and amendments were laid on the table.

On motion by Mr. McDonald,

The rule was suspended.

Mr. Douthit offered the following resolution:

WHEREAS, The committees having clerks in their employ have disregarded the resolutions heretofore adopted, requiring them to report the necessity, if any, of retaining the services of such clerks: therefore,

Resolved, That such clerks be, and they are hereby discharged.

Mr. Suit moved to amend the resolution by striking out all after the word "discharged."

And being put,

It was agreed to.

Mr. Buskirk moved to amend the resolution by adding "except the committee on Ways and Means;"

Which was agreed to.

Mr. Davis of Franklin moved to amend the resolution by adding "And the said clerks shall be allowed three dollars per day for as many days as they have been employed."

On motion by Mr. Hay of Clark,

The amendment was laid on the table.

ORDERS OF THE DAY.

House Bills on Second Reading.

No. 281. A bill extending the admissibility of records in evidence;

Was read a second time, and considered as in committee of the whole, and reported to the House without amendment.

Ordered, that the bill be engrossed.

Senate bill No. 157. A bill authorizing the appointment and prescribing the powers of commissioners in other States to take acknowledgments of deeds and other instruments, and depositions;

Was read a second time, and considered as in committee of the whole and reported to the House without amendment.

The bill was ordered to a third reading.

No. 158. A bill declaring the law governing this state;

Was read a second time, and considered as in committee of the whole, and reported to the House without amendment.

The bill was ordered to a third reading.

On motion by Mr. Lindsay of Howard,

The following messages from the Senate were taken up:

A message from the Senate, containing bill

No. 119, A bill defining felonies, and prescribing punishment therefor,

Was taken up; and after some debate,

On motion by Mr. Stover,

The bill was laid on the table.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed to inform the House of Representatives that the Senate has passed the following engrossed bills of the House:

No. 199. An act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases.

No. 238. An act concerning interest on money;"

With the accompanying engrossed amendments of the Senate thereto.

In which the concurrence of the House is respectfully requested.

The amendments were considered separately.

On motion by Mr. Behm,

The 3d amendment of the Senate to section 65, was concurred in, with the following amendment: "Strike out circuit court."

The question being put on concurring in the 10th engrossed amendment of the Senate to section 47,

It was agreed to.

The question then being put on concurring in the 1st, 2d, 4th, 5th, 6th, 7th, 8th and 9th engrossed amendments of the Senate,

It was disagreed to.

Ordered that the Clerk inform the Senate thereof.

On motion by Mr. Lindsay of Howard,

The engrossed amendment of the Senate to House bill No. 238, contained in the foregoing message,

Was concurred in.

Ordered that the Clerk inform the Senate thereof.

A message from the Senate by Mr. Dunn their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill thereof:
No. 164, entitled "A bill to provide for the government and support of the institution for the education of the deaf and dumb."

In which the concurrence of the House is respectfully requested.

Senate bill No. 164, contained in the following message,

Was read a first time and passed to a second reading.

A message from the Senate by Mr. Dunn, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the 1st and 3d engrossed amendments of the House to engrossed bill of the Senate No. 123, entitled "A bill providing for an organization of circuit courts, the election of judges thereof, and defining their powers and duties," and have concurred in the 2d engrossed amendment of the House with engrossed amendment of the Senate thereto.

In which the concurrence of the House is respectfully requested.

The engrossed amendment of the Senate to the 2d engrossed amendment of the House to Senate bill No. 123, contained in the foregoing message,

Was concurred in.

Ordered that the Clerk inform the Senate thereof.

Also, No. 251, An act for the regulation of the penitentiary.

No. 221, An act concerning county prisons;

With the engrossed amendments of the Senate thereto.

In which the concurrence of the House is respectfully requested.

The engrossed amendments of the Senate to House bills No. 251 and 221, contained in the foregoing message,

Were concurred in.

Ordered that the Clerk inform the Senate thereof.

By unanimous consent of the House,

Mr. McDonald obtained leave and made the following report:

MR. SPEAKER.

The select committee, to which was referred bill of the House No. 155, in relation to the taking and impounding of animals, have had the same under consideration and directed me to report the same back with one amendment, and when so amended to recommend its passage:

Amend the 7th section by adding the following proviso: *Provided*, that it shall be the duty of the Treasurer to retain the money in his office one year and if any person shall appear and prove to the satisfaction of the Treasurer and Auditor that the animal sold by the person paying the money into the Treasury was his property, the Treasurer shall on the warrant of the county Auditor, pay the amount received to him, less his fees.

The report was concurred in, the amendment adopted, and the bill ordered to be engrossed.

Mr. Buskirk moved to take up No. 151.

Which was disagreed to.

A message from the Senate by Mr. Dunn their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bills of the House:

No. 237. An act declaring what documents shall be published along with the revised statutes.

The engrossed amendments of the Senate to the bill contained in the foregoing message were concurred in.

Ordered that the clerk inform the Senate thereof.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House of Representatives to-wit:

No. 242. An act to submit to the voters of the counties of Per-

ry and Spencer, at the general election for the year 1852, a proposal to create a new county, &c.

With the accompanying engrossed amendments of the Senate thereto.

In which the concurrence of the House is respectfully requested.

The engrossed amendments of the Senate to the bill contained in the foregoing message was concurred in.

Ordered that the Clerk inform the Senate thereof.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the second engrossed amendment of the House to engrossed bill of the Senate No. 152. "A bill prescribing certain misdemeanors punishable only by a Justice of the Peace," and have refused to concur in the first engrossed amendment of the House thereto.

Mr. Suit moved the House insist on its 1st engrossed amendment. Which was agreed to.

On motion,

A committee of Conference was appointed on this subject.

Messrs. Suit and Stover were appointed said committee.

A message from the Senate, by Mr. Dunn, their secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has refused to concur in the engrossed amendments of the House to engrossed bills of the Senate:

No. 124. A bill to establish and regulate ferries.

No. 135. A bill to regulate the toll of grist mills and prescribing certain duties of millers.

No. 138. A bill providing for the election of clerks of the circuit court and prescribing some of their duties.

No. 139. A bill to provide for the election of county Sheriffs and prescribing some of their duties.

Also, that the Senate has concurred in the engrossed amendment of the House to engrossed bill of the Senate No. 132, "a bill prescribing the manner of compelling officers to give new bonds and additional sureties," with an engrossed amendment thereto.

In which the concurrence of the House is respectfully requested.

Mr. Manson moved the House recede from its amendments to Senate bill No. 124, contained in the foregoing message.

Mr. Williams called a division of the question.

The question being first put to recede from the first branch of the amendment.

It was agreed to.

Mr. Smith of Spencer moved to reconsider the vote first taken.

Which was disagreed to.

On motion by Mr. McDowell,

Senate bill No. 124, contained in the foregoing message with the amendments were laid on the table.

On motion by Mr. Lindsay of Howard,

The House receded from its amendments to Senate bill No. 135, contained in the foregoing message.

Ordered, that the Clerk inform the Senate thereof.

Mr. Smith of Marion moved the House recede from its amendments to Senate bill No. 138, contained in the foregoing message.

Mr. Stover moved to amend the amendment by striking out "extra services."

Which was disagreed to.

The question being put on the House receding from the amendments;

The ayes and noes were demanded by Messrs. Smith of Marion and Mayfield.

Those who voted in the affirmative were,

Messrs. Bryant, Buskirk, Cockrum, Crim, Geddes, Goudy, Hays of White, Helmer, Henry, Hudson, Huffstetter, Hunt, Schoonover, Scudder, Smith of Marion, Stevens, Suit, and Taggart—18.

Those who voted in the negative were,

Messrs. Beach, Beane, Beeson, Behm, Brady, Bulla, Carpenter, Chowning, Cowgill, Crawford, Cromwell, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Graham, Gunn, Hanna, Hay of Clark, Hicks, Huey, Humphreys, Lavery, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McConnell, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Price, Ray, Reynolds, Shanklin, Staton, Stover, Struble, Sumner, Sweet, Thompson, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—63.

So the House refused to recede.

On motion by Mr. Brady,

The House insisted on its amendment.

A committee of Conference was then appointed consisting of Messrs. Nelson and Brady.

Ordered, that the clerk inform the Senate thereof.

Mr. Suit moved the House recede from its engrossed amendments to Senate bill No. 139, contained in the foregoing message.

Mr. Brady moved the House insist on its engrossed amendments. And the question being put ;

It was agreed to.

Ordered that the clerk inform the Senate thereof.

The engrossed amendments of the Senate to the engrossed amendments of the House to Senate bill No. 132 contained in the foregoing message, was concurred in.

On motion by Mr. Buskirk,

The vote just taken was reconsidered.

On motion,

The bill and amendments were laid on the table.

A message from the Senate by Mr. Dunn their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bills of the House :

No. 265. An act prescribing the powers and duties of coroners ; With three engrossed amendments of the Senate thereto, in which the concurrence of the House is respectfully requested.

The engrossed amendments of the Senate were concurred in.

Ordered that the clerk inform the Senate thereof.

On motion by Mr. Wells,

The following bill of the Senate lost on the question of its passage some days since, was taken up, viz :

No. 64. A bill authorizing any company heretofore organized under the provisions of any general or special law of this State, for the purpose of constructing a plank, turnpike, gravel, McAdamized or coal road, and prescribing the manner in which said change may be made.

The question being on the passage of the bill,

Mr. Wells moved to refer the bill to a select committee of three, with the following instructions :

"And on the acceptance of the provisions of this act, such company shall be deemed to have surrendered all its original powers, except such as are specially reserved by this act."

Mr. Stover moved to amend the instructions as follows, viz :

To so amend the bill that any company availing themselves of the benefits of this act, shall be required to do so within one year from its passage.

Which was agreed to.

The question being put on committing the bill,
It was agreed to.

Messrs. Wells, Beane and Manson were appointed said committee.

On motion by Mr. Buskirk,

Senate bill No. 132. A bill prescribing the manner of compelling officers to give new bonds and additional sureties;

Was taken from the table.

The amendments of the Senate were concurred in.

Ordered that the Clerk inform the Senate thereof.

SENATE BILLS ON THEIR SECOND READING.

No. 151. A bill providing for the government of the State University, the management of its funds, and for the disposition of the lands thereof;

Was read a second time and considered as in Committee of the Whole, and reported to the House without amendment.

Mr. Williams moved to refer the bill to the committee on Education, with the following instructions:

Strike out from the enacting clause and report a bill applying the whole property, proceeds and all, to the use of common schools.

Mr. Huffstetter moved to lay the instructions on the table.

Which was disagreed to.

On motion by Mr. Beeson,

The bill and instructions were laid on the table.

No. 150. A bill to repeal an act for the relief of Michael Granin, Jr., late of Daviess county," approved February 13, 1851;

Was read a second time and considered as in committee of the whole and reported to the House without amendment.

The bill was then ordered to a third reading.

No. 159. A bill touching gaming contracts,

Was read a second time and considered as in committee of the whole, and reported to the House without amendment.

The bill was ordered to a third reading.

No. 160. A bill touching the marriage relation, and liabilities incident thereto,

Was read a second time and considered as in committee of the whole, and reported to the House without amendment.

The bill was then ordered to a third reading.

No. 161. A bill declaring certain persons privileged from arrest on civil process,

Was read a second time, and considered as in Committee of the Whole, and reported to the House without amendment.

The bill was ordered to a third reading.

On motion by Mr. Hudson,

Senate bill No. 153. A bill providing for the settlement of decedents' estates, &c.,

Was taken from the table.

Mr. Hudson moved to suspend the rule and read the bill a second time by its title.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Brady, Bryant, Buskirk, Crim, Cromwell, Dice, Dobson, Donaldson, Eccles, Foster, Gookins, Goudy, Hanna, Hays of White, Henry, Hudson, Huey, Huffstetter, Humphreys, Hunt, Lavery, Lawrence, Leviston, Litchfield, Major, Marrs, McAllister, Morris, Nelson, Price, Ray, Reynolds, Schoonover, Scudder, Smith of Spencer, Stevens, Stover, Struble, Suit, Sweet, Walker, Watson, Wells, Williams, Wilson, and Mr. Speaker—49.

Those who voted in the negative were,

Messrs. Bulla, Crawford, Douthit, Graham, Gunn, Hay of Clark, Helmer, Hicks, Lewis, Lindsay of Howard, Manson, Mayfield, McDowell, Miller, Mudgett, Porter, Shanklin, Smith of Marion, Staton, Sumner, Taggart, Thompson, and Withers—23.

So the rule was suspended and the bill was read a second time by its title.

On motion by Mr. Hudson,

The bill was referred to a select committee of seven, to-wit: Messrs. Hudson, Bryant, Brady, Helmer, Owen, Litchfield, and Lindsay of Howard.

No. 59. A bill authorizing the boards doing county business to declare water courses navigable;

Was read a third time.

On motion by Mr. Graham,

By unanimous consent of the House,

The bill was amended by adding at the proper place, "not to exceed \$200."

Mr. Cockrum moved to lay the bill on the table;

Which was disagreed to.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beane, Beeson, Bryant, Bulla, Buskirk, Carpenter, Crawford, Crim, Cromwell, Dice, Dobson, Donham, Doughty, Douthit, Foster, Geddes, Gookins, Graham, Gunn, Hanna, Hay of Clark, Helmer, Henry, Hicks, Hudson, Huffstetter, Humphreys, Hunt, Lavery, Lawrence, Leviston, Lindsey of Fayette, Major, Manson, Marrs, McAllister, McConnell, Nelson, Price, Ray, Schoonover, Smith of Marion, Smith of Spencer, Staton, Stevens, Stover, Struble, Suit, Sumner, Sweet, Thompson, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—58.

Those who voted in the negative were,

Messrs. Cockrum, Huey, Lewis, Lindsay of Howard, Litchfield, Mayfield, McDowell, Morris, Mudgett, Porter, Reynolds, Scudder, and Shanklin—13.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

House bill No. 272. A bill to repeal an act entitled an act to annex the town of Belleville to the town of Mount Vernon, approved February 11th, 1851;

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Brady, Bryant, Bulla, Buskirk, Cockrum, Crawford, Crim, Cromwell, Dice, Dobson, Donaldson, Donham, Douthit, Eccles, Foster, Geddes, Gookins, Goudy, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Hudson, Huey, Hunt, Lavery, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Nelson, Porter, Price, Reynolds, Schoonover, Scudder, Shanklin, Smith of Spencer, Smith of Marion, Stevens, Stover, Struble, Suit, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Williams, Wilson, Withers, and Mr. Speaker—72.

No person voted in the negative.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

On motion by Mr. Stover,

Senate bill No. 120. A bill prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate and contest thereof,

Was taken from the table.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Brady, Bryant, Bulla, Buskirk, Crawford, Crim, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Hay of Clark, Helmer, Henry, Hicks, Hudson, Huey, Humphreys, Hunt, Laverty, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Nelson, Owen, Porter, Price, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stevens, Stover, Struble, Sweet, Thompson, Walker, Watson, Wells, Williams, Wilson, and Withers—65.

Those who voted in the negative were,

Messrs. Gookins, Graham, Gunn, and Mr. Speaker—4.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

On motion by Mr. Stover,

Senate bill No. 141. A bill to provide for the election, and prescribing certain duties of recorder;

Was taken from the table.

By unanimous consent of the House,

On motion by Mr. Nelson,

The bill was amended by striking out all relative "to recording ear marks."

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Brady, Bryant, Bulla, Buskirk, Cockrum, Crawford, Crim, Cromwell, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Goudy, Graham, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Hudson, Huey, Huffstetter, Humphreys, Hunt, Laverty, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McConnell, McDonald, McDowell,

Miller, Morris, Nelson, Owen, Porter, Price, Reynolds, Schoonover, Scudder, Shanklin, Smith of Spencer, Stevens, Stover, Struble, Suit, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Williams, Wilson, Withers, and Mr. Speaker—71.

Those who voted in the negative were,

Messrs. Gookins, Gunn, Hicks, Ray, Smith of Marion, Staton, and Wells—7.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

Mr. English moved to reconsider the vote by which the House refused to pass Senate joint resolution

No. 114. A joint resolution relative to declaring the bridge over the Ohio river at Wheeling, Virginia, a post route;

Which was agreed to.

The question then being, shall the joint resolution pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Brady, Bryant, Bulla, Buskirk, Carpenter, Cockrum, Cowgill, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Geddes, Gookins, Goudy, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Henry, Hicks, Hudson, Humphreys, Hunt, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McDonald, Morris, Nelson, Porter, Price, Reynolds, Schoonover, Smith of Marion, Smith of Spencer, Staton, Stevens, Stover, Struble, Suit, Sumner, Sweet, Taggart, Walker, Watson, Wells, Wilson, Withers, and Mr. Speaker—64.

Those who voted in the negative were,

Messrs. Crawford, Crim, Cromwell, Foster, Helmer, Huey, Hufstetter, Lavery, McConnell, McDowell, Owen, Ray, Scudder, Shanklin, Thompson, Torbet, and Williams—17.

So the joint resolution passed.

Ordered, that the Clerk inform the Senate thereof.

No. 278. A bill to extend the time for complying with the provisions of an act entitled "an act for the relief of the persons therein named," approved January 26, 1847,

Was read a third time.

On motion by Mr. Porter,
The bill was laid on the table.

No. 279. A bill to require certain officers to execute further official bonds,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Behm, Brady, Bulla, Buskirk, Cockrum, Cowgill, Crawford, Crim, Cromwell, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Geddes, Gookins, Goudy, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Hudson, Huey, Huffstetter, Hunt, Lavery, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McConnell, McDowell, Miller, Morris, Nelson, Owen, Porter, Price, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stevens, Stover, Struble, Suit, Sumner, Taggart, Torbet, Thompson, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—78.

No person voted in the negative.

So the bill passed.

On motion by Mr. Gookins,

The title of the bill was amended, "and to take an additional oath of office."

Ordered that the Clerk inform the Senate of the passage of the bill.

No. 282. A bill to establish a House of Refuge for juvenile offenders in the State of Indiana;

Was read a second time, and considered as in committee of the whole, and reported to the House, without amendment.

Mr. Donham moved the House adjourn;

Which was not agreed to.

Mr. Bryant moved to amend the bill as follows:

Add in the proper place the following section:

The courts and justices of the county where such House of Refuge may be located may also, in their discretion, send to such House of Refuge, any such male or female, who may be convicted before them as a vagrant.

Which was agreed to.

Mr. Wells moved to lay the bill on the table and print.

Which was disagreed to.

On motion by Mr. Bryant,
The bill was referred to the committee on Benevolent and Scientific Institutions.

On motion by Mr. Doughty,
The House adjourned.

2 o'clock, P. M.

The House met.

By unanimous consent of the House,
Mr. Goudy obtained leave and offered the following resolution:

Resolved, That the use of this hall be tendered to the Hon. G. W. Julian for the purpose of delivering a temperance lecture on to-morrow evening.

Which was agreed to.

The Speaker laid before the House two remonstrances from the citizens of Harrison county against a law similar to the Maine liquor law.

Mr. Donham moved to refer the remonstrances to a select committee of three.

Which was agreed to.

Messrs. Donham, Smith of Marion, and Graham, were appointed said committee.

House bill No. 263. A bill to regulate the hours of manual labor;

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Chowning, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Dice, Dobson, Donaldson, Donham, Douthit, Eccles, Foster, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Henry, Hicks, Holman, Howell, Hudson, Huey, Huffstetter, Hunt, Kent, King, Lavery, Lawrence, Lindsey of Fayette, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Price, Rey-

nolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stevens, Stover, Struble, Suit, Sumner, Sweet, Walker, Wells, Wilson, Withers, and Mr. Speaker—74.

Those who voted in the negative were,

Messrs. Carpenter, Cockrum, Doughty, Geddes, Helmer, Ray, Scudder, Watson, and Williams—8.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

No. 137. A bill to provide for a general and uniform system of common schools, &c.

Mr. Shanklin moved to reconsider the vote on ordering said bill to be engrossed;

Which was disagreed to.

The bill was then read a third time.

Mr. Carpenter moved to recommit the bill with the following instructions:

In section 1st, to strike out "10," and insert "5."

Mr. Litchfield moved to amend the instructions by striking out "5" and insert "15."

Mr. King moved to amend the amendment as follows:

To provide that the county commissioners shall be authorized to fix the amount of the tax for school purposes in their several counties and for the expenditure of the same therein exclusively;

And the question being put,

The ayes and noes were demanded by Messrs. Doughty and Hay of Clark.

Those who voted in the affirmative were,

Messrs. Beeson, Brady, Bulla, Buskirk, Carpenter, Cockrum, Cromwell, Davis of Franklin, Doughty, Foster, Gunn, Hay of Clark, Holman, Kent, King, Lawrence, Leviston, Lindsey of Fayette, Manson, Mayfield, McDonald, Morris, Schoonover, Smith of Marion, Struble, and Withers—26.

Those who voted in the negative were,

Messrs. Beach, Beane, Behm, Bryant, Chowning, Cowgill, Crawford, Crim, Dice, Dobson, Donaldson, Donham, Douthit, Eccles, Geddes, Gookins, Goudy, Graham, Hanna, Hart, Hays of White, Helmer, Henry, Hicks, Howell, Hudson, Huey, Humphreys, Hunt, Lavery,

Lewis, Linsday of Howard, Litchfield, Major, Marrs, McAllister, McConnell, McDowell, Miller, Mudget, Nelson, Owen, Porter, Price, Ray, Reynolds, Scudder, Shanklin, Smith of Spencer, Staton, Stevens, Suit, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams, Wilson, and Mr. Speaker—62.

So the amendment was disagreed to.

Mr. Beeson moved to amend the amendment as follows:

SEC. —. *Provided*, That nothing in this act shall be so construed as to divert the tax that may be assessed for common school purposes in the several counties of this State from being applied in their respective counties.

And the question being put on its adoption,

The ayes and noes were demanded by Messrs. McDonald and Manson.

Those who voted in the affirmative were,

Messrs. Beeson, Brady, Bulla, Buskirk, Carpenter, Cockrum, Cromwell, Davis of Franklin, Doughty, Eccles, Foster, Hay of Clark, Holman, Huffstetter, Kent, King, Lawrence, Leviston, Lindsey of Fayette, Manson, Mayfield, McDonald, Schoonover, Shanklin, Smith of Marion, Suit, and Withers—27.

Those who voted in the negative were,

Messrs. Beach, Beane, Bryant, Chowning, Cowgill, Crawford, Crim, Dice, Donham, Douthit, Geddes, Gookins, Goudy, Graham, Hanna, Hart, Hays of White, Helmer, Henry, Hicks, Howell, Hudson, Huey, Humphreys, Hunt, Lavery, Lewis, Linsday of Howard, Litchfield, Major, Marrs, McAllister, McConnell, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Price, Ray, Reynolds, Scudder, Smith of Spencer, Staton, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams, Wilson, and Mr. Speaker—56.

So the amendment was disagreed to.

Mr. Withers called the previous question ;

Which was not seconded by the House.

Mr. Davis of Franklin moved to amend the amendment as follows:

Provided, That this law shall be submitted to the people at the next annual election, and the result thereof reported to the next General Assembly.

And the question being put,

The ayes and noes were demanded by Messrs. McDonald and Graham.

Those who voted in the affirmative were,

Messrs. Beeson, Brady, Buskirk, Carpenter, Cromwell, Davis of Franklin, Doughty, Eccles, Foster, Graham, Hay of Clark, Holman, Howell, Huffstetter, King, Lawrence, Leviston, Lindsey of Fayette, Mayfield, McDonald, Nelson, Schoonover, Sumner, and Withers—24.

Those who voted in the negative were,

Messrs. Beach, Beane, Bryant, Bulla, Chowning, Cockrum, Cowgill, Crim, Dice, Dobson, Donaldson, Donham, Douthit, Geddes, Gookins, Goudy, Gunn, Hanna, Hart, Hays of White, Helmer, Henry, Hicks, Hudson, Huey, Humphreys, Hunt, Kent, Laverty, Lewis, Lindsay of Howard, Litchfield, Major, Manson, Marrs, McAllister, McConnell, McDowell, Miller, Morris, Mudgett, Owen, Porter, Price, Ray, Reynolds, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stevens, Suit, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams, Wilson, and Mr. Speaker—62.

So the amendment to the amendment was disagreed to.

Mr. Litchfield then withdrew his amendment to the instructions.

Mr. Carpenter moved to amend his instructions, viz:

Strike out \$1 50 and insert \$1, to be paid to the township trustees
Which was disagreed to.

The question then being put on recommitting with the instructions of Mr. Carpenter,

The ayes and noes were demanded by Messrs. Carpenter and Smith of Spencer.

Those who voted in the affirmative were,

Messrs. Beeson, Brady, Carpenter, Cockrum, Cromwell, Eccles, Foster, Graham, Leviston, Lewis, Lindsey of Fayette, Manson, McDonald, and Withers—14.

Those who voted in the negative were,

Messrs. Beach, Beane, Behm, Bryant, Bulla, Buskirk, Chowning, Cowgill, Crawford, Crim, Davis of Franklin, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Geddes, Gookins, Goudy, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holman, Howell, Hudson, Huey, Humphreys, Hunt, Kent, King, Laverty, Lawrence, Lindsay of Howard, Litchfield, Major, Marrs, Mayfield, McAllister, McConnell, McDowell, Miller, Morris, Mudgett, Nelson, Owen, Porter, Price, Ray, Reynolds, Scudder, Shanklin,

Smith of Marion, Smith of Spencer, Staton, Stevens, Struble, Suit, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams, Wilson, and Mr. Speaker—73.

So the bill was not recommitted.

Mr. Sumner moved to lay the bill on the table.

Which was disagreed to.

And the question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Bryant, Chowning, Cowgill, Crim, Dice, Donham, Douthit, Eccles, Geddes, Gookins, Goudy, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Howell, Hudson, Huey, Humphreys, Hunt, Lavery, Lewis, Lindsay of Howard, Litchfield, Major, Manson, Marrs, McAllister, McConnell, McDowell, Morris, Mudget, Owen, Porter, Price, Ray, Reynolds, Scudder, Smith of Marion, Smith of Spencer, Staton, Stevens, Suit, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams, Wilson, and Mr. Speaker—57.

Those who voted in the negative were,

Messrs. Beeson, Behm, Brady, Bulla, Buskirk, Carpenter, Cockrum, Crawford, Cromwell, Davis of Franklin, Dobson, Donaldson, Doughty, Foster, Graham, Gunn, Hart, Holman, Huffstetter, Kent, King, Lawrence, Leviston, Lindsey of Fayette, Mayfield, McDonald, Miller, Nelson, Schoonover, Struble, and Withers—31.

So the bill passed.

Mr. Owen moved to amend the title by striking out the same and insert:

A bill to provide for a general and uniform system of common schools and school libraries and matters properly connected therewith.

Mr. Behm moved to amend the amendment by adding—

And to swindle the larger counties out of at least one-half of their Congressional township fund.

And the question being put,

The ayes and noes were demanded by Messrs. Beeson and Graham.

Those who voted in the affirmative were,

Messrs. Beeson, Behm, Doughty, Leviston and Lindsey of Fayette—5.

Those who voted in the negative were,

Messrs. Beach, Beane, Brady, Bryant, Carpenter, Chowning, Cowgill, Crawford, Crim, Dice, Donaldson, Donham, Douthit, Eccles, Geddes, Gookins, Goudy, Graham, Hanna, Hart, Hay of Clark, Helmer, Henry, Hicks, Howell, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, Laverty, Lawrence, Lewis, Lindsay of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McConnell, McDowell, Morris, Nelson, Owen, Price, Ray, Reynolds, Scudder, Smith of Marion, Smith of Spencer, Staton, Stevens, Suit, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—68.

So the amendment to the amendment was disagreed to.

The question then being put on Mr. Owen's amendment.

It was agreed to.

Ordered that the Clerk inform the Senate of the passage of the bill.

By unanimous consent of the House,

Mr. Wells made the following report:

MR. SPEAKER :

The select committee, to whom was referred Senate bill No. 64, with instructions, have amended the bill as directed, and report the same back and recommend its passage.

Which was concurred in.

The question then being, shall the bill pass? RR

Those who voted in the affirmative were,

Messrs. Beane, Beeson, Brady, Bryant, Bulla, Buskirk, Chowning, Crawford, Crim, Cromwell, Dice, Dobson, Donaldson, Donham, Douthit, Eccles, Foster, Geddes, Gookins, Goudy, Graham, Gunn, Hanna, Hays of White, Helmer, Hicks, Henry, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Mudgett, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Stevens, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, and Wilson—64.

Those who voted in the negative were,

Messrs. Behm, Davis of Franklin, Doughty, Hart, Hay of Clark, Holman, Howell, Laverty, Lewis, Smith of Marion, Suit, Williams, Withers, and Mr. Speaker—14.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

Mr. Laverty, from the joint committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The joint committee on Enrolled Bills have this day presented to his Excellency, the Governor, for his approval, enrolled bills of the House Nos. 204, 236, 240, 241, 244, 245, 253 and 255; also, enrolled joint resolution of the House No. 28.

Mr. Smith of Marion, chairman of the committee on Enrolled Bills made the following report:

MR. SPEAKER:

The committee on Enrolled Bills have compared the following enrolled bill with the engrossed bill of the House of the corresponding number, and find the same correctly enrolled:

No. 233. An act providing for and regulating the relation of master and apprentice.

Whereupon the Speaker signed the same.

Ordered that the Clerk inform the Senate thereof.

A message from the Governor, by Mr. King, executive messenger:

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives that he has this day approved and signed the following bills, to-wit:

No. 244. An act concerning liens of mechanics, merchants and others;

No. 28. Joint resolution on the subject of donating the government lands, in the State of Indiana, to the State;

No. 204. An act concerning the partition of lands;

No. 245. An act concerning the three per cent. fund, and the management thereof;

No. 253. An act concerning saline lands;

No. 255. An act prescribing the duties of Treasurer of State;

No. 241. An act in relation to commissioners' certificates, and resignation of officers;

No. 236. An act containing several provisions regarding landlords, tenants, lessors and lessees;

No. 240. An act prescribing the duties of Secretary of State;

Which bills originated in the House of Representatives.

On motion by Mr. Gookins,

The House adjourned.

FRIDAY MORNING, 8 o'clock, }
May 21st, 1852. }

The House met.

The clerk proceeded to read the journal.

Mr. Withers moved to suspend the further reading of the journal.
Which was disagreed to.

The clerk proceeded to a further reading of the journal; when,
Mr. Hanna moved to suspend the reading of the journal;
Which was disagreed to.

The journal was then read.

REPORTS FROM COMMITTEES.

Mr. Donaldson, chairman of the committee on Elections, made the following report:

MR. SPEAKER:

The committee on elections, to whom was referred the credentials of members returned to serve in this House, have had that subject under consideration, and have directed me to make the following report:

That Andrew B. Price has been elected Representative from the county of Porter, to fill the vacancy occasioned by the resignation of the Hon. William M. Harrison; and that Dillard C. Donnohue has been elected Representative from the county of Putnam, to fill the vacancy occasioned by the death of the Hon. Bradford Glazebrook; and ask to be discharged from the further consideration of the subject.

Mr. Holman, chairman of the committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary committee, to which was referred House bill No. 280, entitled "A bill to amend the charter of the city of Indianapolis," have had the same under consideration, and have directed me to report: That, in the opinion of the committee, the bill, by proposing to amend an act of incorporation created for municipal purposes, by an enlargement of the powers of such corporation, conflicts with the implied limitation of the legislative power on the subject contained in the 4th specification of the schedule to the Constitution, as well as with the general policy and spirit of that instrument. The committee further suggest that the question involved in the bill, has been heretofore the subject of the special action of the House, and an opinion conforming with that above expressed, has received the sanction of this body. Therefore the committee recommend that the bill be indefinitely postponed, and ask to be discharged from the further consideration of the subject.

Which report was concurred in, and the bill indefinitely postponed.

On motion by Mr. Buskirk,

Senate bill No. 151, A bill providing for the government of the State University, the management of its funds, and for the disposition of the lands thereof;

Was taken from the table.

On motion by Mr. Holman,

The bill was then laid on the table.

ORDERS OF THE DAY.

Senate Bills on Second reading.

No. 143. A bill for the incorporation of Insurance companies, defining their powers, and prescribing their duties, and in relation to foreign insurance companies and their agents;

Was read a second time, and considered as in committee of the whole, and reported to the House without amendment.

On motion by Mr. Holman,

The bill was laid on the table.

Mr. Smith of Marion chairman of the committee on Enrolled Bills made the following report:

MR. SPEAKER:

The committee on Enrolled Bills have compared the following enrolled with the engrossed bills of the House of the corresponding numbers, and find them correctly enrolled.

No. 139. An act to authorize and regulate the business of general banking.

No. 202. An act prescribing the number, and defining the powers and duties of constables.

No. 224. An act to authorize and limit allowances by courts and boards, and drafts upon county treasurers.

No. 237. An act declaring what documents shall be published along with the Revised Statutes.

Whereupon the Speaker signed the same.

Ordered, that the Clerk inform the Senate thereof.

By unanimous consent of the House,
Mr. Hicks obtained leave and introduced

No. 285. A bill providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto;

Which was read a first time.

Mr. Hicks moved to suspend the rule, and read the bill a second time by its title;

And the question being put,

Those who voted in the affirmative were,

Messrs. Beane, Beeson, Brady, Bryant, Carpenter, Cockrum, Cowgill, Crim, Dice, Dobson, Donaldson, Donham, Eccles, Foster, Geddes, Hays of White, Henry, Hicks, Holman, Huey, Huffstetter, Humphreys, Hunt, Lavery, Lawrence, Leviston, Lewis, Lindsey of Fayette, Litchfield, Major, Marrs, McAllister, Nelson, Porter, Reynolds, Schoonover, Scudder, Stevens, Struble, Stuart, Suit, Sweet, Taggart, Torbet, Walker, Williams, Withers, and Mr. Speaker—48.

Those who voted in the negative were,

Messrs. Behm, Bulla, Crawford, Cromwell, Davis of Franklin, Doughty, Douthit, Graham, Gunn, Hanna, Hay of Clark, Helmer, Howell, King, Lindsay of Howard, McConnell, McDonald, McDowell, Miller, Morris, Mudget, Price, Ray, Shanklin, Smith of Marion, Smith of Spencer, Staton, Sumner, Thompson, and Wilson—30.

So the rule was not suspended.

HOUSE BILLS ON THIRD READING.

No. 276. A bill relative to the salaries of public officers, and providing for the manner of paying the same,

Was read a third time.

Mr. Hudson moved to recommit the bill, with instructions to strike out "three hundred dollars," and insert "four hundred dollars" as salary for prosecuting attorneys per annum.

Mr. Lewis moved to amend the instructions as follows: "So as to give the physician of the penitentiary "\$400" instead of "\$200."

Mr. McDonald moved to amend the amendment as follows: "Provided he does not dose the sick with patent medicines; and strike out the amount allowed for a preacher."

The question being put on the adoption of the amendment to the amendment,

It was disagreed to.

The question being put on the adoption of the amendment of Mr. Lewis to the instructions of Mr. Hudson,

The ayes and noes were demanded by Messrs. McDonald and Hay of Clark.

Those who voted in the affirmative were,

Messrs. Beane, Behm, Brady, Bryant, Bulla, Buskirk, Cockrum, Cowgill, Crim, Davis of Franklin, Dice, Donaldson, Doughty, Douthit, Foster, Geddes, Gookins, Goudy, Gunn, Hay of Clark, Henry, Hicks, Hudson, Hunt, King, Lewis, Lindsey of Fayette, Litchfield, Manson, Mayfield, McAllister, McConnell, McDonald, McDowell, Mudget, Nelson, Owen, Price, Reynolds, Smith of Marion, Stevens, Struble, Stuart, Suit, Sumner, Sweet, Torbet, Walker, and Mr. Speaker—49.

Those who voted in the negative were,

Messrs. Beeson, Crawford, Dobson, Donham, Eccles, Hanna, Hart, Hays of White, Helmer, Holman, Howell, Huey, Huffstetter, Humphreys, Lavery, Lawrence, Leviston, Lindsay of Howard, Major, Marrs, Miller, Morris, Porter, Ray, Schoonover, Scudder, Shanklin, Smith of Spencer, Staton, Taggart, Thompson, Williams, Wilson, and Withers—34.

So the amendment to the instructions was agreed to.

Mr. McDonald moved to amend the instructions as follows: "By making the chaplain of the State Prison take an oath faithfully to discharge his duty and support the constitution, and that he will inculcate the true doctrine only.

Which was disagreed to.

Mr. Williams moved to amend the instructions by striking out

\$400, and insert \$300 as the salary for prosecuting attorney, per annum.

And the question being put,

The ayes and noes were demanded by Messrs. Holman and Williams.

The ayes and noes were taken, and before the vote was announced, several members voted and changed their votes.

Whereupon,

On motion by Mr. McDonald,

A new count was ordered.

Those who voted in the affirmative were,

Messrs. Beeson, Behm, Bulla, Crawford, Crim, Cromwell, Dobson, Donaldson, Donham, Eccles, Foster, Graham, Gunn, Hart, Hays of White, Helmer, Hicks, Holman, Howell, Huey, Humphreys, Hufstetter, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Manson, McAllister, McDonald, Miller, Morris, Porter, Price, Ray, Reynolds, Schoonover, Shanklin, Staton, Struble, Taggart, Walker, Williams, Wilson and Withers—45.

Those who voted in the negative were,

Messrs. Beane, Bryant, Buskirk, Carpenter, Cowgill, Dice, Dougherty, Douthit, Geddes, Gookins, Goudy, Hay of Clark, Henry, Hudson, Hunt, Kent, King, Laverty, Lewis, Litchfield, Marrs, Mayfield, McConnell, McDowell, Nelson, Owen, Scudder, Smith of Marion, Smith of Spencer, Stevens, Stuart, Suit, Sweet, Thompson, Torbet and Mr. Speaker—36.

So the amendment to the instructions was agreed to.

Mr. Owen moved to amend the instructions as follows:

Strike out "\$500" and insert "\$600 as salary of State Librarian."

Mr. Graham moved to amend the amendment by striking out "\$600" and inserting \$400.

And the question being put,

The ayes and noes were demanded by Messrs. Graham and Behm.

Those who voted in the affirmative were,

Messrs. Carpenter, Crim, Cromwell, Graham, Leviston, Suit and Sumner—7.

Those who voted in the negative were,

Messrs. Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk,

Cowgill, Crawford, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gookins, Goudy, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holman, Howell, Hudson, Huey, Huffstetter, Humphreys, Kent, King, Laverty, Lawrence, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Marrs, Mayfield, McAllister, McConnell, McDonald, McDowell, Morris, Mudget, Nelson, Owen, Porter, Price, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Struble, Stuart, Sweet, Taggart, Thompson, Torbet, Walker, Williams, Wilson, Withers and Mr. Speaker—74.

So the amendment to the amendment was disagreed to.

Mr. Hicks moved the following amendment to the amendment:

Deduct one hundred dollars from the salary of the State Librarian, if the House should get burned down.

Which was disagreed to.

The question being put on the adoption of the amendment of Mr. Owen, to the instructions.

The ayes and noes were demanded by Messrs. Hicks and Behm.

Those who voted in the affirmative were,

Messrs. Brady, Bryant, Buskirk, Dice, Donaldson, Gookins, Hunt, Kent, Laverty, Manson, Marrs, Mayfield, McConnell, McDonald, Morris, Nelson, Owen, Ray, Smith of Marion, Smith of Spencer, Stuart, Torbet and Mr. Speaker—23.

Those who voted in the negative were,

Messrs. Beane, Beeson, Behm, Bulla, Carpenter, Cowgill, Crim, Cromwell, Davis of Franklin, Dobson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Helmer, Henry, Hicks, Holladay, Holman, Howell, Hudson, Huey, Humphreys, King, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, McAllister, McDowell, Mudget, Porter, Price, Reynolds, Schoonover, Scudder, Shanklin, Staton, Struble, Suit, Sweet, Taggart, Thompson, Walker, Williams, Wilson and Withers—57.

So the amendment was not adopted.

Mr. Suit moved to reconsider the vote taken on the adoption of the amendment of Mr. Lewis allowing the physician to the State prison \$400 per annum.

And the question being put,

The ayes and noes were demanded by Messrs. Behm and Suit.

Those who voted in the affirmative were,

Messrs. Beeson, Behm, Buskirk, Cromwell, Dice, Dobson, Hart, Hays of White, Helmer, Holman, Hudson, Humphreys, Lindsay of Howard, Major, Marrs, Porter, Ray, Reynolds, Schoonover, Shanklin, Smith of Spencer, Staton, Struble, Suit, Taggart, Williams, Wilson and Withers—28.

Those who voted in the negative were,

Messrs. Beane, Brady, Bryant, Bulla, Cowgill, Crawford, Crim, Davis of Franklin, Donaldson, Doughty, Douthit, Eccles, Foster, Geddes, Gookins, Goudy, Gunn, Hanna, Hay of Clark, Henry, Hicks, Holladay, Huey, Huffstetter, Hunt, Kent, King, Lavery, Lawrence, Leviston, Lewis, Lindsey of Fayette, Litchfield, Manson, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Mudget, Nelson, Owen, Price, Scudder, Smith of Marion, Stuart, Sumner, Sweet, Thompson, Torbet, Walker, and Mr. Speaker—54.

So the vote was not reconsidered.

Mr. Douthit moved to amend the instructions by striking out "\$1,000" and insert "\$1,300" for supreme judges.

Mr. Behm moved to amend the amendment by striking out "1,300" and insert "1,500."

The question being put on the adoption of the amendment of Mr. Behm to the amendment.

The ayes and noes were demanded by Messrs. Behm and Douthit.

On motion by Mr. Kent,

Messrs. Gookins and Stuart were excused from voting.

Those who voted in the affirmative were,

Messrs. Behm, Bryant, Cowgill, Donaldson, Hay of Clark, Henry, Hunt, Nelson, and Owen—9.

Those who voted in the negative were,

Messrs. Beane, Beeson, Brady, Bulla, Buskirk, Crawford, Crim, Cromwell, Dice, Dobson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Goudy, Graham, Hanna, Hart, Hays of White, Helmer, Hicks, Holladay, Holman, Howell, Hudson, Huey, Huffstetter, Humphreys, Kent, King, Lavery, Lawrence, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Mudget, Porter, Price, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Struble, Suit, Sumner, Sweet,

Taggart, Thompson, Torbet, Walker, Williams, Wilson, Withers and Mr. Speaker—69.

So the amendment to the amendment was not adopted.

Mr. McDonald moved to amend the amendment as follows:

Amend as follows—

Be it enacted by the State of Indiana,
That we will no longer act the old granny;
But go straight ahead in laborious work
And never, no never from duty we'll shirk.

Of the people at home, have no cowardly fears;
But give them bad laws for all coming years:
We'll press them well down with lever and screw,
And never let up till they bow to the few.

Who booted and spurred by right called divine,
Eat all our good meat, drink all the good wine;
In silks and in coaches parade through the street,
And squeeze out the taxes, expenses to meet.

What care we for loafers who work on a farm,
They'll vote at elections, w've done them no harm;
Aye, further! they'll go, they'll swear at the poll
That those high in office should receive a high toll.

Therefore, we'll amend the bill now before us,
Till all who get office, will sing in grand chorus,
We now will get rich, while we live at our ease,
And the next Grand Assembly, we'll manage *as we please*.

Which was disagreed to.

Mr. Dobson moved to amend the amendment as follows:

Insert \$1,200 for judges of the supreme court.

Pending which,

On motion by Mr. Manson,
The House adjourned.

2½ o'clock, P. M.

The House met.

On motion by Mr. Lewis,

Leave of absence was granted Mr. Cockrum on account of sickness.

The question pending at the last adjournment, being on the adoption of the amendment of Mr. Dobson to the amendment.

Mr. Dobson then withdrew his amendment to the amendment.

Mr. Beane moved the following amendment to the amendment:

Strike out \$1,300, and insert \$1,200 for supreme and circuit judges.

Which was disagreed to.

The question being on the adoption of the amendment of Mr. Douthit to the instructions;

The ayes and noes were demanded by Messrs. Hudson and Smith of Marion.

Those who voted in the affirmative were,

Messrs. Beach, Brady, Bryant, Carpenter, Chowning, Cowgill, Donaldson, Douthit, Geddes, Hay of Clark, Hays of White, Holladay, Hudson, Hunt, Kent, King, Lavery, Lindsay of Howard, Litchfield, Manson, Mayfield, McAllister, Miller, Nelson, Owen, Price, Smith of Marion, Thompson, and Mr. Speaker—29.

Those who voted in the negative were,

Messrs. Behm, Beane, Bulla, Crawford, Crim, Cromwell, Davis of Franklin, Dice, Dobson, Donham, Doughty, Eccles, Foster, Goudy, Graham, Gunn, Hanna, Hart, Helmer, Henry, Hicks, Holman, Howell, Huey, Huffstetter, Humphreys, Lawrence, Lewis, Lindsey of Fayette, Major, Marrs, McConnell, McDonald, McDowell, Morris, Mudgett, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Spencer, Staton, Struble, Suit, Sumner, Sweet, Taggart, Walker, Watson, Williams, Wilson and Withers—54.

So the amendment was not adopted.

Mr. Dobson moved the following amendment to the instructions: Strike out \$1,000 and insert \$1,200 for supreme judges.

And the question being put on the adoption of the amendment,

The ayes and noes were demanded by Messrs. Williams and Douthit.

Those who voted in the affirmative were,

Messrs. Brady, Bryant, Carpenter, Chowning, Cowgill, Dobson, Donaldson, Douthit, Geddes, Hay of Clark, Hays of White, Hunt, Kent, Lavery, Lindsey of Fayette, Linsday of Howard, Litchfield, Manson, Mayfield, McAllister, Miller, Morris, Nelson, Owen, Price, Reynolds, Smith of Marion, Thompson, Torbet, and Mr. Speaker—30.

Those who voted in the negative were,

Messrs. Beach, Beane, Behm, Bulla, Crawford, Crim, Cromwell, Davis of Franklin, Dice, Donham, Doughty, Eccles, Foster, Goudy, Graham, Gunn, Hanna, Hart, Helmer, Henry, Hicks, Holladay, Holman, Howell, Huey, Huffstetter, Humphreys, King, Lawrence, Leviston, Lewis, Major, Marrs, McConnell, McDonald, McDowell, Mudget, Porter, Ray, Schoonover, Scudder, Shanklin, Smith of Spencer, Staton, Struble, Suit, Sumner, Sweet, Taggart, Walker, Watson, Williams, Wilson, and Withers—54.

So the amendment was not adopted.

Mr. Miller moved to amend the instructions as follows:

Strike out \$1,200 and insert \$1,000 salary for Superintendent of Deaf and Dumb Asylum.

Strike out \$1000 and insert \$800 salary for Superintendent of Blind Asylum.

Mr. Manson moved to amend the amendment to the instructions as follows:

Strike out \$1200 and insert \$1000 salary for the superintendent of the Insane Asylum.

Which was disagreed to.

Mr. Holman moved to amend the amendment as follows:

Fix the salaries of the supreme and circuit judges at eleven hundred dollars;

And the question being put on the adoption of the amendment,

The ayes and noes were demanded by Messrs. McDowell and Behm.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Brady, Bryant, Carpenter, Chowning, Cowgill, Dice, Dobson, Donaldson, Douthit, Geddes, Hays of White, Henry, Holman, Howell, Huffstetter, Hunt, Kent, Lavery, Lewis, Lindsey of Fayette, Litchfield, Marrs, Mayfield, McAllister, McConnell, McDonald, Miller, Morris, Mudget, Nelson, Owen, Porter, Price, Reynolds, Smith of Marion, Sweet, Torbet, and Watson—40.

Those who voted in the negative were,

Messrs. Behm, Bulla, Crawford, Crim, Cromwell, Davis of Franklin, Donham, Doughty, Eccles, Foster, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Helmer, Hicks, Holladay, Hudson, Huey, Humphreys, King, Lawrence, Leviston, Lindsay of Howard, Major, Manson, McDowell, Ray, Schoonover, Scudder, Shanklin, Smith of Spencer, Staton, Struble, Suit, Sumner, Taggart, Thompson, Walker, Williams, Wilson, and Mr. Speaker—44.

So the amendment was not adopted.

Mr. Taggart moved to amend the amendment as follows:

To allow Supreme Judges one thousand, and Circuit Judges nine hundred dollars.

Mr. Huffstetter called the previous question;

Which was seconded by the House.

The question then being, shall the main question now be put?

The ayes and noes were demanded by Messrs. Suit and Behm.

Those who voted in the affirmative were,

Messrs. Beane, Bryant, Carpenter, Crawford, Crim, Cromwell, Dice, Donaldson, Donham, Doughty, Douthit, Foster, Graham, Hanna, Hart, Henry, Hicks, Huey, Huffstetter, Humphreys, Lavery, Lawrence, Lewis, Lindsay of Howard, Major, Marrs, McConnell, Morris, Price, Ray, Schoonover, Scudder, Staton, Struble, Sumner, Sweet, Taggart, Walker, Williams, Wilson, and Mr. Speaker—41.

Those who voted in the negative were,

Messrs. Beach, Behm, Brady, Bulla, Chowning, Cowgill, Davis of Franklin, Dobson, Eccles, Geddes, Goudy, Gunn, Hay of Clark, Hays of White, Helmer, Holladay, Holman, Hudson, Hunt, Kent, King, Leviston, Lindsey of Fayette, Litchfield, Manson, Mayfield, McAllister, McDonald, McDowell, Miller, Mudget, Nelson, Owen, Porter, Reynolds, Shanklin, Smith of Marion, Smith of Spencer, Suit, Thompson, Torbet, and Watson,—42.

So the main question was not ordered.

Mr. Doughty moved to take up House bill No. 283, a bill regulating the fees of officers;

Which was disagreed to.

Mr. McDonald moved to take up House bill No. 275, a bill to provide for the erection of an armory, and the preservation of the State arms and accoutrements;

Which was disagreed to.

Mr. Smith of Marion chairman of the committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The committee on Enrolled Bills have compared the following enrolled with the engrossed bills of the House of the corresponding numbers, and find them correctly enrolled:

No. 238. An act concerning interest on money.

No. 249. An act prescribing the powers and duties of Auditor of State.

No. 264. An act prescribing duties of Governor.

Whereupon the Speaker signed the same.

Ordered that the Clerk inform the Senate thereof.

A message from the Senate by Mr. Dunn, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the engrossed amendments of the House to engrossed bill of the Senate No. 64, "a bill authorizing any company heretofore organized under the provisions of any general or special law of this State for the purpose of constructing a plank, McAdamized, turnpike, gravel, or coal road, to construct a railroad instead of such plank, turnpike, gravel, McAdamized or coal road, and prescribing the manner in which such change may be made."

A message from the Senate by Mr. Dunn their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House:

No. 268. A bill to provide for the erection and repair of bridges; Without amendment.

Senate bill No. 149. A bill for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties;

Was read a second time and considered as in committee of the whole, and reported back without amendment.

On motion by Mr. Carpenter,

The bill was referred to a select committee of five, to-wit: Messrs. Carpenter, McDowell, Nelson, Torbet, and Bulla.

The Speaker laid before the House the following communication from the Adjutant General:

ADJUTANT GENERAL'S OFFICE, }
INDIANAPOLIS, IA., May 15, 1852. }

SIR:—In reply to a resolution of the House of Representatives of the 8th instant, requesting me “to communicate to this House the amount of money, both principal and interest, specifying the amount of each, that he has received as Adjutant General and Attorney for this State, from the General Government of the United States, on account of advances made by this State to her troops engaged in the Mexican war,” I have the honor to report as follows:

That under a power of Attorney from His Excellency, Governor Wright, in the settlement recently consummated by me, for moneys advanced, as also for those paid out by legislative enactment, to organize, subsist, and transport the five regiments for Mexico, I have received from the General Government, on account of the State, of principal,..... \$5,769 55
Interest collected on said sum,..... 1,582 02

Principal and interest for State,..... \$7,351 57

Principal received for balance due Branch Bank
at Indianapolis, on advances made in 1847,
and for which the State was responsible,.... \$259 55
Interest on same,..... 84 51

Principal and interest for Bank,..... \$344 06

Total principal and interest on account of State Bank of
Indiana,..... \$7,695 63

The \$186 39 paid to Capt. J. P. Smith, for organizing the “Lake County Rangers,” not mustered into service, and since not refunded under the law of Congress, as stated in my report to the Governor, printed by the House, is now before Congress, and I hope by the time its present session shall have closed, to be able to report the collection back to the State of this sum also.

The foregoing statements show the collection back to the State of all the moneys paid out by her, so far as I have been able to learn, for organizing the five regiments of volunteers, with interest thereon

from the date of payment by the State, to the date of reimbursement by the General Government.

Very respectfully,

Your obedient servant,

DAVID REYNOLDS,

Adjutant General and Attorney for Indiana.

To HON. WM. H. ENGLISH,

Speaker of the House of Representatives, Indianapolis, Ia.

On motion by Mr. Suit,
The communication was laid on the table.

House bill No. 283, A bill regulating the fees of officers.

Mr. Williams moved to suspend the rules, and read the bill a second time by its title.

And the question being put,

Those who voted in the affirmative were,

Messrs. Beach, Beane, Brady, Bryant, Bulla, Chowning, Crim, Cromwell, Dice, Donaldson, Doughty, Foster, Geddes, Hanna, Hart, Hays of White, Helmer, Henry, Holman, Howell, Huey, Huffstetter, Humphreys, Hunt, Kent, Laverty, Lawrence, Lewis, Lindsey of Fayette, Litchfield, Major, Marrs, Mayfield, McAllister, McConnell, Morris, Nelson, Owen, Ray, Staton, Struble, Stuart, Suit, Sweet, Taggart, Torbet, Walker, Williams, Wilson, and Mr. Speaker—50.

Those who voted in the negative were,

Messrs. Davis of Franklin, Dobson, Donham, Douthit, Eccles, Goudy, Graham, Gunn, Hay of Clark, Hicks, Holladay, Hudson, Lindsay of Howard, Manson, Miller, Mudget, Porter, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, and Withers—24.

So the rule was suspended and the bill was read a second time by its title.

On motion by Mr. Holman,

The bill was referred to the committee on Fees and Salaries.

Mr. McDowell moved to take up Senate bill No. 124. A bill to establish and regulate ferries.

Which was disagreed to.

House bill No. 155. A bill regulating the taking up and impounding of animals.

Came up to be considered,

When,

On motion by Mr. Reynolds,
The bill was laid on the table.

House bill No. 281. A bill extending the admissibility of records in evidence.

Was read a third time.

On motion by Mr. Lindsay of Howard,
The bill was laid on the table.

Mr. McDonald moved to take up House bill No. 155, a bill regulating the taking up, and impounding of animals.

Which was disagreed to.

House bill No. 284. A bill to authorize the township trustees to construct levees and assess a tax therefor.

Was read a second time and considered as in Committee of the Whole, and reported to the House without amendment.

On motion by Mr. Behm,
The bill was laid on the table.

Senate bill No. 164. A bill to provide for the government, and support of the Institution for the Education of the Deaf and Dumb.

Was read a second time and considered as in Committee of the Whole, and reported to the House without amendment.

On motion by Mr. Brady,

The bill was referred to the committee on Benevolent and Scientific Institutions.

On motion by Mr. McDonald,

House bill No. 155. A bill to provide for the regulation of the running at large of all kinds of animals within the different townships in the different counties of the State and to provide for the taking up, impounding and selling of all such animals as shall not be allowed by law to run at large.

Was taken from the table.

The bill was read a third time,

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Behm, Brady, Bryant, Bulla, Buskirk, Chowning, Cowgill, Crim, Cromwell, Dice, Donaldson, Donham, Doughty, Eccles, Foster, Geddes, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holman, Howell, Hudson, Huey, Hunt, Laverty, Lawrence, Leviston, Lindsey of Fayette, Litchfield, Major, Manson, Marrs, Mayfield,

McDonald, McDowell, Miller, Morris, Nelson, Porter, Price, Reynolds, Scudder, Smith of Marion, Struble, Stuart, Suit, Sumner, Sweet, Thompson, Torbet, Williams, Wilson, Withers, and Mr. Speaker—63.

Those who voted in the negative were,

Messrs. Dobson, Douthit, Holladay, Huffstetter, Humphreys, Lindsay of Howard, McAllister, McConnell, Mudget, Ray, Schoonover, Shanklin, Smith of Spencer, Staton, Taggart, and Walker—16.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

On motion by Mr. Behm,

The House adjourned.

SATURDAY MORNING, 8 o'clock, }
May 22, 1852.

The House met.

The journal of the preceding day was read.

REPORTS FROM COMMITTEES.

Mr. Huffstetter, chairman of the committee on Roads, made the following report :

MR. SPEAKER:

The committee on Roads, to whom was referred a joint resolution on the subject of the three per cent. fund, have had the same under consideration, and have directed me to report the same back for the action of the House, and ask to be discharged from a further consideration thereof.

On motion by Mr. McConnell,
The joint resolution was laid on the table.

Mr. Buskirk, from a select committee, made the following report :

MR. SPEAKER :

The select committee to whom was referred House bill No. 104, with instructions to make sundry amendments to the same, have had the same under consideration, and have amended the bill as directed, and report the same back, and when said amendments are adopted, recommend its passage.

Amend the bill by adding the following section :

SEC. 4. In computing the mileage of members of the General Assembly, the distances from the respective county seats to Indianapolis shall be held and taken to be the same as by the second section of this act are established for the travel of county treasurers.

Amend the bill by adding, "and the mileage of the members of the General Assembly."

Which report was concurred in, and the amendments adopted, and the bill ordered to be engrossed.

Mr. Torbet, from a select committee, made the following report :

MR. SPEAKER :

The select committee to whom was referred bill No. 277, "a bill in relation to printing the laws in the German language," report it back with the following amendments, and ask to be discharged from the further consideration of the subject :

Strike out from enacting clause and insert :

SEC. —. The Secretary of State shall cause to be printed in the German language, and bound, one thousand copies of the acts passed at the present session of the General Assembly, and for this purpose he shall employ a competent person to translate the same, who shall receive a compensation not exceeding twenty-five cents per thousand ems.

SEC. —. He shall cause to be forwarded to the clerk of the circuit court in each county one copy thereof, which shall be preserved in the office of said clerk ; the remaining copies shall be deposited in the office of said Secretary, who is hereby authorized to sell them at the price of one dollar per copy ; provided, that not more than one copy shall be sold to any one person.

SEC. —. The prices to be paid the State Printer for printing the laws as herein provided, shall not exceed those established by law, except that for composition in the German language, per thousand ems, plain matter, he shall receive fifty cents.

Mr. Donaldson moved the following as a substitute for the amendments of the committee:

SEC. —. There shall be published in the German language the following laws passed at the present session of the General Assembly, to-wit: the township, road, and common school laws.

The question being put on its adoption,

The ayes and noes were demanded by Messrs. Behm and Donaldson.

Those who voted in the affirmative were,

Messrs. Beane, Brady, Buskirk, Dobson, Donaldson, Donham, Eccles, Graham, Gunn, Hays of White, Henry, Huey, Hunt, Litchfield, Manson, McDonald, Miller, Morris, Porter, Ray, Reynolds, Shanklin, Struble, Sult, Sumner, Williams, and Mr. Speaker—27.

Those who voted in the negative were,

Messrs. Beach, Beeson, Behm, Bryant, Bulla, Carpenter, Chowning, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Dice, Doughty, Douthit, Foster, Geddes, Gookins, Goudy, Hanna, Hart, Hay of Clark, Helmer, Hicks, Holladay, Holman, Howell, Huffstetter, Humphreys, Lavery, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Marrs, Mayfield, McAllister, McConnell, McDowell, Mudgett, Nelson, Owen, Price, Schoonover, Smith of Marion, Smith of Spencer, Staton, Stevens, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wilson, and Withers—56.

So the amendment was disagreed to.

Mr. Behm offered the following amendment as a substitute for the amendment of the committee:

Add "And at a price equal to the cost per copy."

Which was accepted.

Mr. Helmer moved to amend the amendment as follows:

Add to last section—

Provided, however, That no printing be done in the German language until at least one half the number ordered to be printed be subscribed for by responsible persons, at a price not less than the cost of the same.

Which was agreed to.

The question then recurred on the adoption of the amendment as amended;

And being put,

The ayes and noes were demanded by Messrs. Behm and Donaldson.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Chowning, Cowgill, Davis of Franklin, Dice, Dobson, Donham, Doughty, Douthit, Foster, Gookins, Graham, Gunn, Hanna, Hart, Hay of Clark,

Hays of White, Helmer, Hicks, Holladay, Holman, Howell, Hudson, Huey, Huffstetter, Humphreys, Hunt, Lindsey of Fayette, Lindsay of Howard, Major, Marrs, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Mudget, Nelson, Owen, Price, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stevens, Struble, Suit, Sumner, Stuart, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Williams, Wilson, Withers, and Mr. Speaker—70.

Those who voted in the negative were,

Messrs. Buskirk, Carpenter, Crim, Cromwell, Davis of Franklin, Donaldson, Eccles, Geddes, Goudy, Henry, Lavery, Leviston, Litchfield, Manson, Porter, and Staton—16.

So the amendment, as amended, was adopted, and the bill ordered to be engrossed.

On motion by Mr. Lewis,

His resolution relative to adjourning on the 27th inst., sine die, (the Senate concurring,) was taken from the table.

The question pending being on the adoption of Mr. Graham's amendment to adjourn on the 20th instant,

And being put,

It was disagreed to.

Mr. Lewis then modified his resolution so as to adjourn the 7th day of June.

Mr. Beeson moved to amend the resolution as follows:

Strike out from the resolving clause and insert—

That this House will, the Senate concurring therein, adjourn June the 10th, sine die.

Mr. Davis moved to amend the amendment by striking out the 10th and insert the 1st day of June.

Which was disagreed to.

Mr. Manson moved to amend the amendment by striking out 1st of June, and adding the 24th inst.

Mr. Sumner moved to lay the whole subject on the table.

And the question being put,

The ayes and noes were demanded by Messrs. Sumner and Lewis.

Those who voted in the affirmative were,

Messrs. Beach, Brady, Bryant, Carpenter, Cromwell, Eccles, Gookins, Goudy, Gunn, Hanna, Holladay, Holman, Howell, Hudson, Lavery, Lindsey of Fayette, Mudget, Owen, Porter, Price, Schoonover, Smith of Marion, Stuart Sumner, Taggart, Thompson, and Watson—27.

Those who voted in the negative were,

Messrs. Beane, Beeson, Behm, Bulla, Buskirk, Chowning, Cowgill, Crim, Davis of Franklin, Dice, Dobson, Donaldson, Donham, Dougherty, Douthit, Foster, Geddes, Graham, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Huffstetter, Humphreys, Hunt, Leviston, Lewis, Lindsey of Fayette, Litchfield, Manson, Marrs, Mayfield, McAllister, McDowell, Miller, Nelson, Ray, Reynolds, Scudder, Shanklin, Smith of Spencer, Staton, Stevens, Struble, Suit, Sweet, Torbet, Walker, Williams, Wilson, Withers, and Mr. Speaker—53.

So the resolution and amendments were not laid on the table.

Mr. Reynolds moved to postpone the further consideration of the subject until next Saturday.

And the question being put ;

The ayes and noes were demanded by Messrs. Reynolds and Nelson.

Those who voted in the affirmative were,

Messrs. Beach, Behm, Brady, Bryant, Carpenter, Chowning, Cowgill, Cromwell, Dice, Doughty, Eccles, Geddes, Gookins, Gunn, Hanna, Hart, Hicks, Holladay, Holman, Howell, Hudson, Huey, Laverty, Lindsey of Fayette, Major, Manson, Mayfield, McAllister, McConnell, McDonald, Miller, Morris, Mudget, Owen, Porter, Price, Reynolds, Schoonover, Shanklin, Smith of Marion, Stuart, Sumner, Taggart, Thompson, Watson, Wilson, and Withers—47.

Those who voted in the negative were,

Messrs. Beane, Beeson, Bulla, Buskirk, Crim, Davis of Franklin, Dobson, Donaldson, Donham, Douthit, Foster, Goudy, Graham, Hay of Clark, Hays of White, Helmer, Henry, Huffstetter, Humphreys, Hunt, Leviston, Lewis, Linsday of Howard, Litchfield, Marrs, McDowell, Nelson, Ray, Scudder, Smith of Spencer, Staton, Stevens, Struble, Suit, Sweet, Torbet, Walker, Williams, and Mr. Speaker—39.

So the further consideration of the subject was postponed.

RESOLUTIONS OF THE HOUSE.

Mr. Holladay submitted the following resolution :

Resolved, That a committee of five be appointed to enquire into

the amount of unfinished business on hand and the probable time necessary to accomplish the same, and report the same to this House on or before Saturday next.

Which was disagreed to.

Mr. Hays of White submitted the following resolution :

Resolved, That the committee on Temperance be instructed to report the number of petitions that have been presented, before and since the recess for a stringent temperance law and the number that have remonstrated against the same.

Mr. Smith of Marion moved to amend as follows :

That they designate between males and females.

Mr. Graham moved to amend the amendment as follows :

Voters, and persons not voters.

On motion by Mr. Schoonover,

The resolution and pending amendments were laid on the table.

Mr. Sumner submitted the following resolution :

Resolved, That the Senate be requested to return to this House bill No. 137, in relation to common schools.

Which was disagreed to.

Mr. Gunn submitted the following resolution :

Resolved, That during the remainder of this session, no member shall be allowed to speak on the same question more than once, nor to consume more time in one speech than ten minutes.

Mr. Goudy moved to lay the resolution on the table.

And the question being put,

The ayes and noes were demanded by Messrs. Nelson and Gunn.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Behm, Brady, Bryant, Chowning, Cowgill, Cromwell, Dice, Donaldson, Donham, Doughty, Eccles, Foster, Geddes, Gookins, Goudy, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Holladay, Holman, Howell, Huey, Huffstetter, Humphreys, Hunt, King, Laverty, Lindsey of Fayette, Litchfield, Manson, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Mudget, Owen, Porter, Price, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Struble, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, and Withers—61.

Those who voted in the negative were,

Messrs. Beeson, Carpenter, Davis of Franklin, Dobson, Douthit, Graham, Gunn, Hicks, Leviston, Lewis, Major, Marrs, Morris, Nelson, Staton, Suit, Williams, Wilson, and Mr. Speaker—19.

So the resolution was laid on the table.

By unanimous consent of the House,
Mr. Goudy obtained leave and introduced

No. 286. A bill to encourage more effectually the destruction of wolves;

Which was read a first time and passed to a second reading.

By unanimous consent of the House,
Mr. Henry obtained leave and introduced

No. 287. A bill for the protection of sheep;
Which was read a first time and passed to a second reading.

By unanimous consent of the House,
Mr. Lewis obtained leave and made the following report:

MR. SPEAKER:

The committee on Ways and Means, to whom was referred House bill No. 95, entitled "A bill to provide for the enlargement of the Indiana Hospital for the Insane," have had the same under consideration, and have directed me to report the same back without amendment, and recommend its passage.

Which was concurred in, and the bill ordered to be engrossed.

On motion by Mr. Suit,
The following message from the Senate was taken up:

A message from the Senate by Mr. Dunn their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill thereof:

No. 169. A bill to revise and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State,—to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity.

In which the concurrence of the House is respectfully requested.

Mr. Suit moved to suspend the rule, and read the bill contained in the foregoing message the first time by its title;
And the question being put,

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cowgill, Crim, Cromwell, Dice, Donaldson, Donham, Foster, Geddes, Gookins, Goudy, Hart, Hays of White, Helmer, Henry, Holman, Howell, Hudson, Huey, Huffstetter, Hunt, Lavery, Leviston, Lewis, Lindsey of Fayette, Litchfield, Major, Marrs, McAllister, McConnell, Morris, Mudget, Nelson, Owen, Porter, Price, Ray, Reynolds, Schoonover, Scudder, Staton, Stevens, Struble, Stuart Suit, Sweet, Taggart, Torbet, Watson, Williams, Wilson, and Mr. Speaker—61.

Those who voted in the negative were,

Messrs. Davis of Franklin, Dobson, Doughty, Douthit, Eccles, Gunn, Holladay, King, Lindsay of Howard, McDonald, McDowell, Shanklin, Smith of Marion, Smith of Spencer, and Withers—15.

So the rule was suspended, and the bill read the first time by its title.

Mr. Buskirk moved to suspend the rule and read the bill a second time now, by its title;
And the question being put,

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cowgill, Crim, Dice, Dobson, Donaldson, Donham, Foster, Geddes, Gookins, Goudy, Hanna, Helmer, Henry, Hicks, Holman, Hudson, Huffstetter, Humphreys, Hunt, Lavery, Lewis, Lindsey of Fayette, Litchfield, Major, McAllister, McConnell, Mudget, Nelson, Owen, Porter, Price, Ray, Reynolds, Schoonover, Scudder, Stevens, Struble, Stuart, Suit, Sweet, Taggart, Torbet, Walker, Watson, Williams, Wilson, and Mr. Speaker—56.

Those who voted in the negative were,

Messrs. Behm, Davis of Franklin, Doughty, Douthit, Eccles, Graham, Hart, Hay of Clark, Holladay, Howell, Huey, King, Lindsay of Howard, Manson, Marrs, Mayfield, McDonald, McDowell, Miller, Morris, Shanklin, Smith of Marion, Smith of Spencer, Sumner, Thompson, and Withers—26.

So the rule was suspended, and the bill read a second time by its title.

On motion by Mr. Suit,

The bill was referred to the same select committee heretofore appointed on that subject.

On motion by Mr. Douthit,

Leave of absence was granted Mr. Lindsay of Howard, until next Friday.

On motion by Mr. Buskirk,

Leave of absence was granted Mr. Beach.

On motion by Mr. Donaldson,

Mr. Stuart was added to the select committee, (heretofore appointed) to whom was referred the report of the commissioners on law reform.

On motion by Mr. Buskirk,

Mr. King was added to said committee.

On motion by Mr. Schoonover,

House bill No. 275. A bill to provide for the erection of an Armory, the preservation of the State arms, and accoutrements,

Was taken from the table,

And referred to the committee on Public Buildings.

On motion by Mr. Brady,

The following message from the Senate, was taken up:

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following resolutions:

WHEREAS, the mournful intelligence of the death of Mrs. Wright, the late estimable lady of the Governor, has reached this body; therefore,

Resolved, That the Senate tender to the Governor their sympathies and condolence in this his hour of affliction and bereavement.

Resolved, That the House of Representatives be respectfully asked to concur in these resolutions, and that the Secretary of the Senate present a copy of the same to the Governor.

Resolved, That as an additional respect when the Senate adjourns that it adjourn until Monday morning 8½ o'clock!

In which the concurrence of the House is respectfully requested.

Resolved, That as a further respect to him and to the virtues and worth of the deceased the Senate will attend the funeral services of

the late Mrs. Wright in a body and that the President appoint a committee on the part of the Senate to make arrangements therefor.

Whereupon Messrs. Todd, Saffer, Eddy, Holloway and Defrees were appointed said committee.

The resolutions of the Senate contained in the foregoing message were unanimously concurred in.

Ordered, that the clerk inform the Senate thereof.

Mr. Holladay submitted the following preamble and resolutions:

WHEREAS, the House hears with profound regret that Mrs. Louisa Wright consort of his Excellency the chief Executive of the State, deputed this life at her residence in this city on the 22nd instant, and that as a tribute of respect for the many virtues of the deceased, and in sympathy with his excellency in this painful bereavement, therefore,

Resolved, That a committee of seven be appointed on the part of the House to act with a similar committee on the part of the Senate, to make arrangements to attend as a body the funeral of the deceased.

Resolved, That Messrs. Holladay, Brady, Nelson, Hudson, Stuart, Beane and McAllister, compose the committee on the part of the House.

Resolved, That the Clerk of the House forward to the Governor a copy of the foregoing resolutions.

Resolved, The House do now adjourn.

The resolutions were unanimously adopted.

MONDAY MORNING, 8½ o'clock, }
May 24th, 1852. }

The House met.

The clerk proceeded to read the journal.

Mr. Withers moved to suspend the further reading of the journal.

Which was disagreed to.

The journal was then read.

PETITIONS, MEMORIALS AND REMONSTRANCES PRESENTED.

The Speaker laid before the House the remonstrance of 700 citi-

zens of Harrison county, against the passage of a law similar to the Maine law ;

Which,

On motion by Mr. Doughty,

Was referred to the same select committee heretofore appointed on that subject.

By Mr. Sumner ;

The memorial of 109 citizens of Marshall county, praying the passage of a law similar to the Maine law ;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Sumner ;

The petition of the township trustees of township 34, N. range 3 east in German township, Marshall county, praying for a grant of ten acres of the swamp land, for a site for a school house and a grave yard ;

Which,

On motion,

Was referred to the committee on Swamp Lands.

REPORTS FROM COMMITTEES.

Mr. Holman, chairman of the Judiciary committee, made the following report :

MR. SPEAKER:

The Judiciary committee, to which was referred House bill No. 176, have had the same under consideration, and have directed me to report the same back with an amendment, and ask to be discharged from the further consideration of the subject :

Amend the title of the bill to read as follows :

“ A bill to provide for the organization of canal and water work companies, and for the completion of the unfinished canals in the State of Indiana.”

Strike out the bill from the enacting clause, and insert the following in lieu thereof :

SEC. 1. That any and all persons, corporations, or associations, who may have purchased from the State of Indiana any of the unfinished canals of the State, or any part of either of them, and their successors and assigns, or any of them, may proceed to the completion of any such canal, in whole or in part, or to the construction of any water works or water-ways in connection therewith, either for navigation or hydraulic purposes, or for the purpose of supplying cities or

towns with water, upon complying with the regulations, and subject to the restrictions in this act provided.

SEC. 2. Any such persons, corporation, or association, or their successors or assigns, desirous of availing themselves of the provisions of this act, may do so by filing a copy of their articles of association in the office of the Secretary of State, containing a statement of the name of such association, the amount of its capital stock and the number of shares therein, and setting forth fully the objects for which such association is established. Such association shall thereupon be a body corporate and politic, and by its corporate name may sue and be sued, may devise and use a corporate seal, and may receive and hold, for the purpose of its association, any lands and property, and, under its corporate seal and the attestation of its presiding officer, may execute conveyances of lands, covenants and powers of attorney, and also bonds of a denomination not less than five hundred dollars, and whenever such bonds are negotiated out of this State, they may be sold at such prices and bear such rate of interest as the association may direct, not exceeding the rate of interest allowed by law where the loan is made.

SEC. 3. Such association may elect directors for the management of its affairs, in such manner as they may direct by their articles of association, and may confer upon them such powers in relation to the appointment of officers and the conduct of the business of the association as they may see fit. *Provided*, in all elections by such association, each share of stock shall be entitled to one vote, which may be given in person or by proxy.

SEC. 4. It shall be lawful for the directors to call in and demand from the stockholders, respectively, any instalments of the stock by them subscribed, not exceeding five per cent. per month, under the penalty of forfeiture of the stock subscribed for, together with all previous payments made thereon, if payment shall not be made by the stockholders within sixty days after personal demand, or notice of such call shall have been published in some newspaper of general circulation in the vicinity of such work.

SEC. 5. Any such association or corporation shall have the right to take possession of and appropriate to their own use or occupation, wholly or in part, for either of the purposes herein specified, any timber, stone, earth, lands, rights of way, or other materials or property, upon first making payment or tender of payment therefor, or for the damages occasioned to the owner thereof, in accordance with the requirement of the constitution of this State; and the value of such property so appropriated, or the damages occasioned to the owners of any such property, shall be assessed, awarded and adjudged, and payment or tender of payment therefor made, as provided in the act entitled "an act to provide for the incorporation of railroad companies," approved May 11th, 1852; and the proper courts shall have the same jurisdiction and powers, and shall cause the same proceedings to be had in every such case; and the associ-

ations herein provided for shall, in all such cases, acquire all such rights in relation to the use, occupation and ownership of lands, rights of way and materials for the uses and purposes as are provided in the said act in regard to associations organized for the construction of railroads, so far as the provisions of the said act can be made applicable to the purposes of this act.

SEC. 6. Any existing corporation, organized for any two or more of the purposes contemplated in this act, may re-organize into separate associations, so that each shall embrace one or more of such objects; and they may make such increase in their capital stock, and such modifications of the purposes of their organization, within the purview and subject to the general provisions of this act, as the stockholders may direct.

SEC. 7. The stockholders of any associations formed under the provisions of this act shall be individually liable for all the liabilities of such an association, to an amount equal to their respective shares in such association.

SEC. 8. Nothing in this act shall be so construed as to affect in any manner the charter of any water works company heretofore granted.

Which report was concurred in, and the amendment adopted.

Mr. McAllister moved to amend as follows:

SEC. —. Nothing in this act shall be so construed as to affect or impair any of the rights, immunities or franchises, vested or prospective, of the Madison county Hydraulic and Manufacturing company, without the consent of a majority of the stockholders thereof.

Mr. King moved to amend the amendment as follows:

"To affect in any manner the charter of any water works company heretofore granted."

Which was accepted.

The question being put on the adoption of the amendment,
It was agreed to.

Mr. Holman submitted the following amendment to the bill:

SEC. —. The stockholders of any association formed under the provisions of this act, shall be individually liable for all the liabilities of such association, to an amount equal to their respective shares in such association.

Which was agreed to.

Mr. McDowell moved to reconsider the vote taken on concurring in the amendment of the committee.

Which was disagreed to.

The question then being put on ordering the bill to be engrossed;

The ayes and noes were demanded by Messrs. Holman and Smith of Spencer.

Those who voted in the affirmative were,

Messrs. Behm, Brady, Bryant, Buskirk, Carpenter, Cowgill, Crawford, Davis of Franklin, Douthit, Geddes, Goudy, Hay of Clark, Henry, Hicks, Holladay, Hudson, Huey, Hunt, King, Lavery, Lewis, Litchfield, Mayfield, McAllister, McDonald, Miller, Mudgett, Nelson, Price, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Stevens, Stuart, Sumner, Sweet, Watson, Wilson, and Mr. Speaker—41.

Those who voted in the negative were,

Messrs. Beane, Beeson, Chowning, Crim, Cromwell, Dice, Dobson, Donham, Doughty, Foster, Graham, Gunn, Hanna, Hart, Helmer, Holman, Howell, Huffstetter, Kent, Lindsey of Fayette, Major, Manson, McConnell, McDowell, Morris, Porter, Ray, Smith of Spencer, Taggart, Thompson, Torbet, Walker, Williams, and Withers—34.

So the bill was ordered to be engrossed.

Mr. McDonald under the rule gave notice of a motion for leave to introduce a bill for the regulation of warehouses, and for the protection of depositors of produce, goods, wares, and merchandize therein.

Mr. Manson gave notice of a motion for leave to introduce a bill in relation to the salaries of public officers.

Mr. McAllister, chairman of the committee on agriculture, made the following report:

MR. SPEAKER:

The committee on Agriculture to whom was referred House bill No. 209, on the subject of enclosures, trespassing animals and partition fences, have had that subject under consideration and have directed me to report the bill back to the House without amendment and recommend its passage.

Which was concurred in and the bill ordered to be engrossed.

Mr. McAllister, chairman of the committee on Agriculture reported back House bills Nos. 114 and 117, and recommend that they be laid on the table.

Which report was concurred in.

A message from the Senate by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the engrossed amendments of the House to engrossed bills of the Senate:

No. 59. An act authorizing the Boards doing county business to declare watercourses navigable.

No. 120. A bill prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate and contest thereof.

Mr. Holladay from a select committee made the following report:

MR. SPEAKER:

The committee appointed by joint resolution of both branches of the General Assembly to make arrangements to attend the funeral of the late Mrs. Wright, report the following:

Both branches of the General Assembly will meet at the Governor's residence at half past 12 o'clock to-day, and accompany the corpse of the deceased in procession to the Terre Haute depot.

Messrs. Eddy and Holloway, on the part of the Senate, and Messrs. Holladay, Brady, Nelson and Hudson on the part of the House, are appointed pall bearers.

ORDERS OF THE DAY.

House bill No. 276. A bill relative to the salaries of public officers, and providing the manner of paying the same;

The question pending being, shall the main question be now put?

Mr. Mudget moved to reconsider the vote seconding the call for the previous question.

And the question being put,

The ayes and noes were demanded by Messrs. Mudget and Behm.

Those who voted in the affirmative were,

Messrs. Beeson, Behm, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cowgill, Crawford, Cromwell, Davis of Franklin, Dice, Dobson, Donham, Geddes, Gunn, Hay of Clark, Henry, Holladay, Howell, Hudson, Huey, Hunt, Kent, King, Laverty, Lindsey of Fayette, Litchfield, Marrs, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Mudget, Nelson, Owen, Porter, Price, Ray, Reynolds, Sale, Schoonover, Scudder, Shanklin, Stevens, Sumner, Taggart, Thompson, Torbet, Walker, Watson, Wilson, and Mr. Speaker—55.

Those who voted in the negative were,

Messrs. Beane, Brady, Crim, Donaldson, Doughty, Douthit, Foster, Goudy, Graham, Hanna, Hart, Hays of White, Helmer, Hicks, Huffstetter, Humphreys, Major, Manson, Morris, Smith of Marion, Smith of Spencer, Staton, Williams, and Withers—24.

So the motion prevailed.

The question then being put on seconding the call for the previous question,

It was disagreed to.

The question pending being on the adoption of Mr. Miller's amendment to the instructions—

Strike out \$1200 and insert \$1000 salary for superintendent of Deaf and Dumb Asylum, and for superintendent of the Blind Asylum, \$800.

Mr. Taggart moved to amend the amendment as follows:

Allow supreme judges \$1,000 and circuit judges \$900.

And the question being put,

It was disagreed to.

Mr. Manson moved to amend the amendment as follows:

Strike out \$1200, and insert \$1,000 salary for superintendent of the Hospital for the Insane.

Which was disagreed to.

The question then recurred on the adoption of the amendment of Mr. Miller.

The ayes and noes were demanded by Messrs. Miller and Behm.

Those who voted in the affirmative were,

Messrs. Beeson, Carpenter, Crawford, Crim, Dobson, Donaldson, Donham, Douthit, Foster, Graham, Gunn, Hart, Hays of White, Howell, Hudson, Huey, Huffstetter, Humphreys, Kent, King, Leviston, Major, Marrs, McConnell, McDonald, McDowell, Miller, Morris, Ray, Schoonover, Scudder, Shanklin, Smith of Spencer, Staton, Sumner, Thompson, Walker, Wilson, and Mr. Speaker—39.

Those who voted in the negative were,

Messrs. Beane, Behm, Brady, Bryant, Bulla, Buskirk, Chowning, Cockrum, Dice, Doughty, Geddes, Goudy, Hanna, Hay of Clark, Helmer, Henry, Hicks, Holladay, Holman, Hunt, Laverty, Lewis, Lindsey of Fayette, Litchfield, Manson, Mayfield, McAllister, Mudgett, Nelson, Owen, Porter, Price, Reynolds, Smith of Marion, Stevens, Sweet, Taggart, Torbet, Watson, and Williams—40.

So the amendment was disagreed to.

Mr. Manson moved to amend the instructions as follows:

1st. Secretary of State, 1000 dollars;

2nd. Judges of the Supreme Court, 1300 dollars;

3rd. Superintendent of Blind Asylum, 800 dollars;

4th. State Librarian, 600 dollars.

Mr. Doughty moved to amend the amendment by striking out 800 dollars and insert 1000 dollars, as the salary of the Superintendent of the Blind Asylum.

Which was accepted.

Mr. Brady called a division of the question.

The question being put on the 1st proposition of Mr. Manson.

The ayes and noes were demanded by Messrs. Graham and Manson.

Those who voted in the affirmative were,

Messrs. Beane, Brady, Bryant, Chowning, Dobson, Hays of White, Henry, Hunt, Kent, Laverty, Lewis, Litchfield, Major, Manson, Mayfield, McConnell, McDonald, Nelson, Owen, Price, Sale, Smith of Marion, Stevens and Sweet—24.

Those who voted in the negative were,

Messrs. Beeson, Behm, Bulla, Buskirk, Carpenter, Crawford, Crim, Cromwell, Dice, Donham, Doughty, Douthit, Foster, Geddes, Goudy, Graham, Gunn, Hanna, Hay of Clark, Helmer, Hicks, Holladay, Holman, Hudson, Huey, Huffstetter, Humphreys, King, Lindsey of Fayette, Marrs, McAllister, McDowell, Miller, Morris, Mudget, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Spencer, Staton, Taggart, Thompson, Torbet, Walker, Watson, Williams, Wilson and Mr. Speaker—51.

So the amendment was not adopted.

The question being on the adoption of the 2nd proposition of Mr. Manson,

Mr. Stuart was excused from voting.

Mr. Donaldson moved to amend the amendment by striking out "1300 dollars" and insert "1200 dollars."

Which was disagreed to.

The question then being put on the 2nd proposition of Mr. Manson.

The ayes and noes were demanded by Messrs. Manson and Williams.

Those who voted in the affirmative were,

Messrs. Beane, Beeson, Brady, Bryant, Buskirk, Chowning, Cow-

gill, Dobson, Donaldson, Douthit, Geddes, Hanna, Hay of Clark, Hays of White, Henry, Holladay, Hudson, Hunt, Kent, Lavery, Lewis, Lindsey of Fayette, Litchfield, Manson, Mayfield, McAllister, McDonald, Mudget, Nelson, Owen, Porter, Price, Reynolds, Sale, Smith of Marion, Smith of Spencer, Sumner, Torbet, Watson and Mr. Speaker—41.

Those who voted in the negative were,

Messrs. Behm, Bulla, Crawford, Crim, Cromwell, Dice, Donham, Doughty, Foster, Goudy, Graham, Gunn, Helmer, Hicks, Holman, Huey, Huffstetter, Humphreys, King, Major, Marrs, McConnell, McDowell, Miller, Morris, Ray, Schoonover, Scudder, Shanklin, Staton, Stevens, Sweet, Taggart, Thompson, Walker, Williams and Wilson—37.

So the 2nd proposition was agreed to.

The question being put on the 4th proposition of Mr. Manson ;

The ayes and noes were demanded by Messrs. Behm and Doughty.

Those who voted in the affirmative were,

Messrs. Brady, Bryant, Buskirk, Chowning, Cowgill, Donaldson, Douthit, Hanna, Hay of Clark, Hays of White, Holladay, Hunt, Kent, Lavery, Manson, Marrs, Mayfield, McConnell, McDonald, Morris, Mudget, Nelson, Owen, Porter, Smith of Marion, Smith of Spencer, Torbet, and Mr. Speaker—28.

Those who voted in the negative were,

Messrs. Beane, Beeson, Behm, Bulla, Carpenter, Crawford, Crim, Cromwell, Dice, Donham, Doughty, Foster, Geddes, Goudy, Graham, Gunn, Helmer, Henry, Hicks, Holman, Howell, Hudson, Huey, Huffstetter, Humphreys, King, Lewis, Lindsey of Fayette, Litchfield, Major, McAllister, McDowell, Price, Ray, Reynolds, Sale, Schoonover, Scudder, Shanklin, Staton, Stevens, Sumner, Taggart, Thompson, Walker, Watson, Williams, and Wilson—48.

So the amendment was disagreed to.

Mr. Reynolds moved to amend the instructions by striking out "\$1000" and insert "\$1100" as salary for circuit judges ;

And the question being put,

The ayes and noes were demanded by Messrs. Williams and Graham.

Those who voted in the affirmative were,

Messrs. Beane, Brady, Bryant, Carpenter, Chowning, Cowgill, Dice, Donaldson, Douthit, Geddes, Hanna, Hay of Clark, Hays of White, Henry, Holladay, Howell, Hunt, Kent, Lavery, Lewis, Litchfield, Marrs, Mayfield, McAllister, McConnell, McDonald, Nelson, Owen, Porter, Price, Reynolds, Sale, Smith of Marion, Smith of Spencer, Torbet, Watson, Wilson, and Mr. Speaker—38.

Those who voted in the negative were,

Messrs. Beeson, Behm, Bulla, Buskirk, Crawford, Crim, Cromwell, Dobson, Donham, Doughty, Foster, Goudy, Graham, Gunn, Helmer, Hicks, Holman, Hudson, Huey, Huffstetter, Humphreys, King, Major, Manson, McDowell, Miller, Morris, Mudget, Ray, Schoonover, Scudder, Shanklin, Staton, Stevens, Sumner, Sweet, Taggart, Thompson, Walker, and Williams—40.

So the amendment was disagreed to.

Mr. Mudget moved to amend the instructions as follows:

So as to allow the Auditor of State 1,200 dollars.

And the question being put,

The ayes and noes were demanded by Messrs. Williams and King.

Those who voted in the affirmative were,

Messrs. Beane, Brady, Bryant, Carpenter, Chowning, Dice, Donaldson, Douthit, Hays of White, Henry, Holman, Howell, Hunt, Lavery, Lewis, Litchfield, Major, Mayfield, McConnell, McDonald, Mudget, Nelson, Porter, Price, Smith of Marion, Stuart, and Sweet—27.

Those who voted in the negative were,

Messrs. Beeson, Bulla, Buskirk, Cowgill, Crawford, Crim, Cromwell, Dobson, Donham, Doughty, Foster, Geddes, Goudy, Graham, Gunn, Hanna, Hay of Clark, Helmer, Hicks, Holladay, Hudson, Huey, Huffstetter, Humphreys, King, Lindsey of Fayette, Manson, Marrs, McAllister, McDowell, Miller, Morris, Ray, Reynolds, Sale, Schoonover, Scudder, Smith of Spencer, Staton, Stevens, Sumner, Taggart, Thompson, Torbet, Walker, Watson, Wilson, and Mr. Speaker—48.

So the amendment was not agreed to.

Mr. Lewis moved to amend the instructions so as to allow circuit judges three dollars per day;

And the question being put,

The ayes and noes were demanded by Messrs. Lewis and Graham.

Those who voted in the affirmative were,

Messrs. Beane, Brady, Bryant, Carpenter, Chowning, Cowgill, Dice, Donaldson, Douthit, Hay of Clark, Hays of White, Henry, Holladay, Hunt, Lewis, Lindsey of Fayette, Marrs, Mayfield, Nelson, Owen, Porter, Price, Reynolds, Sale, Smith of Marion, Sweet, Torbet, Watson, Wilson, and Mr. Speaker—30.

Those who voted in the negative were,

Messrs. Beeson, Bulla, Buskirk, Crawford, Crim, Cromwell, Dobson, Donham, Doughty, Foster, Geddes, Goudy, Graham, Gunn, Hanna, Helmer, Hicks, Holman, Howell, Hudson, Huey, Huffstetter, Humphreys, King, Laverty, Litchfield, Major, Manson, McAllister, McConnell, McDowell, Miller, Morris, Mudget, Ray, Schoonover, Scudder, Shanklin, Smith of Spencer, Staton, Sumner, Taggart, Thompson, Walker, and Williams—45.

So the amendment was disagreed to.

Mr. Holladay moved the following amendment to the instructions: So as to make the salary of circuit judges twelve hundred dollars per annum.

And the question being put,

The ayes and noes were demanded by Messrs. Holladay and Graham.

Those who voted in the affirmative were,

Messrs. Beane, Brady, Bryant, Carpenter, Cowgill, Donaldson, Douthit, Geddes, Hays of White, Henry, Holladay, Howell Hunt, Marrs, Owen, Price, Reynolds, Smith of Marion, Torbet, and Watson—20.

Those who voted in the negative were,

Messrs. Beeson, Bulla, Buskirk, Chowning, Crawford, Crim, Cromwell, Dice, Dobson, Donham, Doughty, Foster, Goudy, Graham, Gunn, Hanna, Hay of Clark, Helmer, Hicks, Holman, Hudson, Huey, Huffstetter, Humphreys, King, Laverty, Lindsey of Fayette, Litchfield, Major, Manson, Mayfield, McAllister, McConnell, McDowell, Miller, Morris, Mudget, Nelson, Porter, Ray, Sale, Schoonover, Scudder, Shanklin, Smith of Spencer, Staton, Stevens, Sumner, Sweet, Taggart, Thompson, Walker, Williams, Wilson, and Mr. Speaker—55.

So the amendment was disagreed to.

Mr. Henry moved to amend the instructions by allowing the State Superintendent of Public Instruction 1200 dollars per annum.

Mr. Graham moved to amend the amendment by striking out "1200" and inserting "800" dollars.

Which was disagreed to.

The question then recurred on the adoption of the amendment of Mr. Henry ;

And being put,

The ayes and noes were demanded by Messrs. Graham and Williams.

Those who voted in the affirmative were,

Messrs. Beane, Bryant, Buskirk, Chowning, Dice, Dobson, Douthit, Hanna, Hays of White, Henry, Holladay, Hudson, Hunt, Lavery, Lewis, Litchfield, Manson, Mayfield, Mudget, Nelson, Owen, Porter, Price, Smith of Marion, Stevens, Stuart, Sweet, Torbet, and Watson—29.

Those who voted in the negative were,

Messrs. Beeson, Brady, Bulla, Cowgill, Crawford, Crim, Cromwell, Donaldson, Donham, Doughty, Foster, Geddes, Goudy, Graham, Gunn, Hay of Clark, Helmer, Hicks, Holman, Howell, Huey, Huffstetter, Humphreys, King, Leviston, Lindsey of Fayette, Major, Marrs, McAllister, McConnell, Miller, Morris, Ray, Reynolds, Sale, Scudder, Shanklin, Smith of Spencer, Staton, Sumner, Taggart, Thompson, Walker, Williams, Wilson, and Mr. Speaker—47.

So the amendment was disagreed to.

Mr. Sumner moved to reconsider the vote fixing the salary of Supreme Judges at \$1300.

And the question being put,

The ayes and noes were demanded by Messrs. Sumner and Graham.

Those who voted in the affirmative were,

Messrs. Bulla, Crawford, Crim, Cromwell, Dice, Donham, Doughty, Foster, Geddes, Goudy, Graham, Gunn, Helmer, Hicks, Huey, King, Leviston, Major, Marrs, McDonald, Miller, Morris, Schoonover, Scudder, Shanklin, Staton, Stevens, Sumner, Taggart, Thompson, Walker, Williams, and Wilson—33.

Those who voted in the negative were,

Messrs. Beane, Beeson, Brady, Bryant, Buskirk, Carpenter, Chowning, Cowgill, Dobson, Donaldson, Douthit, Hanna, Hay of Clark, Hays of White, Henry, Holladay, Holman, Howell, Hudson, Humphreys, Hunt, Lavery, Lewis, Lindsey of Fayette, Litchfield, Manson, Mayfield, McAllister, McConnell, McDowell, Mudget, Nelson, Owen, Porter, Price, Ray, Reynolds, Sale, Smith of Marion, Smith of Spencer, Sweet, Torbet, Watson, and Mr. Speaker—44.

So the vote was not reconsidered.

Mr. Manson moved to reconsider the vote by which the amendment allowing circuit judges \$1100; which was disagreed to.

On motion by Mr. Brady,
The House adjourned.

2 o'clock, P. M.

The House met.

On motion by Mr. Doughty,
The use of this Hall was tendered to Prof. Haynes on to-morrow evening, for the purpose of delivering a lecture.

The question pending at the last adjournment being on re-considering the vote by which the amendment allowing circuit judges 1100 dollars was disagreed to,

And the question being put,

The ayes and noes were demanded by Messrs. Sumner and Graham.

Those who voted in the affirmative were,

Messrs. Beane, Brady, Bryant, Buskirk, Carpenter, Chowning, Cowgill, Dice, Doughty, Douthit, Geddes, Gibson, Gookins, Hanna, Hay of Clark, Hays of White, Henry, Holladay, Howell, Hudson, Hunt, Kent, Lavery, Lewis, Marrs, Mayfield, McAllister, Owen, Porter, Reynolds, Shanklin, Smith of Marion, Stewart, Sumner, Thompson, Torbet, Watson, Wilson, and Mr. Speaker.—39.

Those who voted in the negative were,

Messrs. Beeson, Behm Bulla, Crawford, Crim, Dobson, Donham, Eccles, Foster, Goudy, Graham, Gunn, Hart, Helmer, Holman, Huey, Huffstetter, Humphreys, King, Litchfield, Major, Manson, McConnell, McDowell, Mudget, Nelson, Price, Ray, Schoonover, Scudder, Smith of Spencer, Staton, Struble, Suit, Sweet, Taggart, Walker, and Williams—38.

So the vote was re-considered.

The question then recurred on the adoption of the amendment,
And being put,

The ayes and noes were demanded by Messrs. Holman and Graham.

Those who voted in the affirmative were,

Messrs. Beane, Brady, Bryant, Carpenter, Chowning, Cowgill, Dice, Donaldson, Doughty, Douthit, Geddes, Gookins, Hanna, Hay of Clark, Hays of White, Henry, Holladay, Howell, Hudson, Hunt, Kent, Lavery, Lewis, Litchfield, Marrs, Mayfield, McAllister, Nelson, Owen, Porter, Price, Reynolds, Smith of Marion, Stuart, Sumner, Thompson, Torbet, Watson, Wilson, and Mr. Speaker—40.

Those who voted in the negative were,

Messrs. Beeson, Behm, Bulla, Buskirk, Crawford, Crim, Dobson, Donham, Eccles, Foster, Gibson, Goudy, Graham, Gunn, Hart, Helmer, Hicks, Holman, Huey, Huffstetter, Humphreys, King, Major, Manson, McConnell, McDowell, Miller, Mudget, Ray, Schoonover, Scudder, Shanklin, Smith of Spencer, Staton, Struble, Suit, Sweet, Taggart, Walker, Williams, and Withers.—41.

So the amendment was not adopted.

Mr. Schoonover moved to amend the instructions as follows:

To the Adjutant and Quartermaster General, each one hundred and fifty dollars.

Which was disagreed to.

The question then recurred on recommitting the bill with the instructions;

And being put,

The ayes and noes were demanded by Messrs. Williams and McDowell.

Those who voted in the affirmative were,

Messrs. Beane, Beeson, Brady, Bryant, Buskirk, Carpenter, Chowning, Cowgill, Dobson, Doughty, Douthit, Eccles, Gookins, Hanna, Hay of Clark, Henry, Holladay, Hunt, Kent, Laverty, Lewis, Litchfield, Manson, Mayfield, McAllister, Mudget, Nelson, Owen, Price, Smith of Marion, Sweet, Torbet, Watson, and Mr. Speaker—34.

Those who voted in the negative were,

Messrs. Behm, Bulla, Crawford, Crim, Cromwell, Dice, Donaldson, Donham, Foster, Geddes, Gibson, Goudy, Graham, Gunn, Hart, Hays of White, Helmer, Hicks, Holman, Howell, Hudson, Huey, Huffstetter, Humphreys, King, Major, McConnell, McDowell, Miller, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Spencer, Staton, Struble, Suit, Sumner, Taggart, Thompson, Walker, Williams, Wilson, and Withers—46.

So the bill was not recommitted.

The question then recurred on the passage of the bill;
And being put,

Those who voted in the affirmative were,

Messrs. Beane, Beeson, Brady, Buskirk, Crawford, Dice, Dobson, Donaldson, Doughty, Douthit, Foster, Goudy, Graham, Hanna, Hart, Holman, Howell, Huey, Huffstetter, Humphreys, Hunt, King, Major, McAllister, McConnell, McDowell, Morris, Porter, Ray, Scudder, Shanklin, Smith of Spencer, Struble, Sweet, Taggart, Thompson, Williams, Wilson, Withers and Mr. Speaker—40.

Those who voted in the negative were,

Messrs. Behm, Bryant, Bulla, Carpenter, Chowning, Cowgill, Crim, Cromwell, Donham, Eccles, Geddes, Gibson, Gookins, Gunn, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Hudson, Kent, Laverty, Lewis, Litchfield, Manson, Marrs, Mayfield, Miller, Nelson, Owen, Reynolds, Schoonover, Smith of Marion, Staton, Suit, Sumner, Torbet, Walker, and Watson—40.

So the bill did not pass.

On motion by Mr. Gookins,
Leave of absence was granted Mr. Owen for two weeks.

By unanimous consent of the House,
Mr. Torbet obtained leave and introduced

No. 31. A joint resolution in relation to the Revised Statutes; Which was read a first time and passed to a second reading.

ORDERS OF THE DAY.

Bills on Third Reading.

Senate bill No. 150. A bill to repeal an act entitled "an act for the relief of Michael Grannin, Jr., late of Daviess county," approved February 13, 1851;

Was read a third time.

The question being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beane, Beeson, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cowgill, Crawford, Crim, Cromwell, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gookins, Goudy, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Henry, Hicks, Holladay, Holman, Howell, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, Lavery, Lewis, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, Miller, Morris, Mudgett, Nelson, Owen, Porter, Reynolds, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stevens, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Williams, Wilson, and Mr. Speaker—72.

Those who voted in the negative were,

Messrs. Helmer and Ray—2.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

Senate bill No. 157. A bill authorizing the appointment, and prescribing the powers of commissioners in other States to take acknowledgments of deeds, and other instruments, and depositions;

Was read a second time.

And the question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cowgill, Crawford, Crim, Cromwell, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Goudy, Graham, Gunn, Hanna, Hay of Clark, Helmer, Henry, Hicks, Holman, Howell, Hudson, Huey, Huffstetter, Humphreys, Hunt,

Kent, King, Lavery, Lewis, Major, Marrs, Mayfield, McAllister, McDowell, Miller, Morris, Nelson, Owen, Ray, Reynolds, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stevens, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Torbet, Walker, Watson, Williams, Wilson, and Mr. Speaker—70.

Those who voted in the negative were,

Messrs. Gookins and Thompson—2.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

Senate bill No. 158. A bill declaring the law governing this State;

Was read a third time.

And the question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beane, Beeson, Brady, Bryant, Bulla, Buskirk, Chowning, Cowgill, Crawford, Crim, Cromwell, Dice, Donham, Doughty, Eccles, Foster, Geddes, Gookins, Goudy, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Holman, Howell, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, King, Lavery, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McConnell, Miller, Morris, Nelson, Owen, Porter, Price, Ray, Reynolds, Scudder, Shanklin, Staton, Stevens, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, and Mr. Speaker—65.

Those who voted in the negative were,

Messrs. Donaldson, Douthit, Graham, McDowell, Smith of Marion, Smith of Spencer, and Williams—7.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

Mr. Hicks moved to reconsider the vote taken on the passage of

House bill No. 276. A bill relative to the salaries of public officers, and providing the manner of paying the same.

And the question being put,

The ayes and noes were demanded by Messrs. Doughty and Hicks.

Those who voted in the affirmative were,

Messrs. Beane, Beeson, Brady, Buskirk, Carpenter, Chowning, Crawford, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Gibson, Graham, Gunn, Hanna, Hays of White, Hicks, Holman, Howell, Huey, Huffstetter, Humphreys, Hunt, Lewis, Marrs, McAllister, McConnell, McDowell, Miller, Morris, Porter, Ray, Reynolds, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stevens, Struble, Taggart, Thompson, Williams, and Mr. Speaker—48.

Those who voted in the negative were,

Messrs. Behm, Bryant, Cowgill, Crim, Cromwell, Geddes, Gookins, Goudy, Hay of Clark, Helmer, Henry, Holladay, Hudson, Kent, King, Laverty, Litchfield, Major, Manson, Mayfield, Mudget, Nelson, Owen, Suit, Sumner, Sweet, Torbet, Walker, and Watson—29.

So the vote was reconsidered.

Mr. Smith of Marion moved to lay the bill on the table.

Which was disagreed to.

The question then recurred on the passage of the bill.

Those who voted in the affirmative were,

Messrs. Beeson, Brady, Bulla, Buskirk, Chowning, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Gibson, Goudy, Graham, Gunn, Hays of White, Hicks, Holman, Howell, Huey, Huffstetter, Humphreys, Hunt, King, McAllister, McConnell, McDowell, Miller, Morris, Porter, Ray, Scudder, Shanklin, Smith of Spencer, Stevens, Struble, Sweet, Williams and Mr. Speaker—41.

Those who voted in the negative were,

Messrs. Beane, Behm, Bryant, Carpenter, Cowgill, Crawford, Crim, Cromwell, Geddes, Hanna, Hay of Clark, Helmer, Henry, Holladay, Hudson, Kent, Laverty, Lewis, Litchfield, Major, Manson, Marrs, Nelson, Owen, Reynolds, Smith of Marion, Staton, Suit, Sumner, Thompson, Torbet, Walker and Watson—33.

So the bill did not pass.

Senate bill No 159. A bill touching gaming contracts.

Was read a third time.

Mr. Holman moved to lay the bill on the table.

Which was disagreed to.

Mr. King moved to recommit the bill with the following instruc-

tion to strike out of section four the words "the wife of such loser in her own name, or."

On motion by Mr. Holman,

The bill and instructions were laid on the table.

Senate bill No. 160. A bill touching the marriage relation, and liabilities incident thereto.

Was read a third time.

Mr. Hudson moved to recommit the bill to the Judiciary Committee with instructions to so amend the bill, that the husband shall be liable for the debts of his wife contracted before marriage.

Which was disagreed to.

The question recurred on the passage of the bill,

And being put,

Those who voted in the affirmative were,

Messrs. Beane, Beeson, Brady, Bryant, Bulla, Buskirk, Carpenter, Crawford, Crim, Dice, Donaldson, Donham, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Howell, Huey, Hunt, Kent, Lavery, Lewis, Litchfield, Marrs, Mayfield, McAllister, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Reynolds, Smith of Marion, Staton, Stevens, Struble, Stuart, Sweet, Taggart, Walker, Watson, Williams, Wilson, and Mr. Speaker—56.

Those who voted in the negative were,

Messrs. Behm, Cromwell, Dobson, Doughty, Goudy, Holladay, Hudson, King, Major, Manson, McConnell, McDonald, Ray, Scudder, Shanklin, Smith of Spencer, Suit, Sumner, Thompson, Torbet, and Withers—21.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

Senate bill No. 161. A bill declaring certain persons privileged from arrest on civil process ;

Was read a third time.

And the question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Goudy, Graham, Gunn, Hanna,

Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Howell, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, King, Lavery, Lewis, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McConnell, McDowell, Miller, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Williams, Wilson, Withers and Mr. Speaker—82.

Mr. McDonald voted in the negative.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

HOUSE BILLS ON SECOND READING.

No. 286. A bill to encourage more effectually the destruction of wolves;

Was read a second time and considered as in committee of the whole, and reported to the House without amendment,

And the bill ordered to be engrossed.

No. 287. A bill for the protection of sheep;

Was read a second time, and considered as in committee of the whole, and reported to the House without amendment.

Mr. Doughty moved to amend the 2d section of the bill by striking out the words "giving notice."

Which was disagreed to.

The bill was then ordered to be engrossed.

On motion by Mr. Owen,

The following messages from the Senate were taken up:

A message from the Senate by Mr. Dunn their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House:

No. 157. An act for the relief of Samuel H. Patterson and to reduce his rent as lessee of the Penitentiary;

With the accompanying engrossed amendments of the Senate thereto, in which the concurrence of the House is respectfully requested.

The question being on concurring in the engrossed amendment of the Senate contained in the foregoing message;

The ayes and noes were demanded by Messrs. Humphreys and Williams.

Those who voted in the affirmative were,

Messrs. Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cowgill, Crawford, Cromwell, Davis of Franklin, Dice, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Goudy, Graham, Gunn, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Howell, Hudson, Huey, Hunt, Kent, Lavery, Lewis, Litchfield, Manson, Mayfield, McAllister, McDonald, McDowell, Nelson, Owen, Reynolds, Sale, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, and Wilson—62.

Those who voted in the negative were,

Messrs. Crim, Dobson, Donaldson, Humphreys, Major, Miller, Porter, Ray, and Williams—9.

So the amendments were concurred in.

Ordered that the Clerk inform the Senate thereof.

The Speaker laid before the House the remonstrance of sundry citizens of Harrison county, against the passage of any law similar to the Maine law;

Which,

On motion,

Was referred to the same select committee heretofore appointed on that subject.

By unanimous consent of the House,

Mr. Gibson presented the petition of sundry German citizens of Clark county, praying the printing of the laws of the State in the German language;

Which,

On motion,

Was referred to the committee on Public Printing.

A message from the Senate by Mr. Dunn their Secretary :

MR. SPEAKER:

I am directed to inform the House of Representatives that the Senate has appointed Messrs. Hester and Emerson a committee of Free Conference to act with a similar committee already appointed upon the part of the House to take into consideration the disagree-

ment of the two Houses upon engrossed bills of the Senate No. 138, "A bill providing for the election of clerks of the circuit court, and prescribing some of their duties."

No. 139. A bill to provide for the election of county sheriffs, and prescribing some of their duties.

No. 152. A bill prescribing certain misdemeanors punishable only by a justice of the peace.

On motion by Mr. Graham,

A committee of Conference was appointed, on the part of the House, on Senate bill No. 139, contained in the foregoing message.

Messrs. Graham and McConnell were appointed said committee.

Ordered that the Clerk inform the Senate thereof.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House:

No. 207. An act regarding the Public Works of the State;

With the accompanying engrossed amendments of the Senate thereto, in which the concurrence of the House of respectfully requested.

On motion by Mr. Buskirk,

The bill and amendments contained in the foregoing message, were laid on the table.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate insist upon their engrossed amendments to House bill No. 199, "An act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases," and have concurred in the engrossed amendment of the House thereto.

Mr. Withers moved that the House refuse to concur in the engrossed amendments of the Senate to the bill contained in the foregoing message;

Which was agreed to.

On motion by Mr. Buskirk,

A committee of Conference was appointed on part of the House, viz: Messrs. Buskirk and Gibson.

Ordered that the Clerk inform the Senate thereof.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed to inform the House of Representatives that the Senate has passed the following engrossed bill of the House:

No. 257. An act in relation to county auditors;

With one engrossed amendment of the Senate thereto, in which the concurrence of the House is respectfully requested.

Mr. Buskirk moved to lay the bill and engrossed amendment of the Senate contained in the foregoing message on the table.

Which was disagreed to.

The question then being put on concurring in the engrossed amendment of the Senate contained in the message,

It was disagreed to.

Ordered that the clerk inform the Senate thereof.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the 1st and 3d engrossed amendments of the House to engrossed bill of the Senate No. 141, a bill to provide for the election and prescribing certain duties of recorders," and have concurred in the 2d amendment, with an amendment, of the Senate thereto;

In which the concurrence of the House is respectfully requested.

The engrossed amendment of the Senate to the engrossed amendment of the House to Senate bill No. 141, contained in the foregoing message, was concurred in.

Ordered that the clerk inform the Senate thereof.

A message from the Senate by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has passed the following engrossed bill thereof:

No. 173. An act for the benefit of Mary Page Reid;

In which the concurrence of the House is respectfully requested.

Bill No. 173, contained in the foregoing message, was read a first time and ordered to a second reading.

A message from the Senate by Mr. Dunn, their secretary:

MR. SPEAKER:

I am directed to inform the House of Representatives that the Senate has passed the following engrossed bill thereof:

No. 156. A bill to amend acts of incorporation for the construction of plank and turnpike roads.

In which the concurrence of the House is respectfully requested.

Bill No. 156, contained in the foregoing message, was read a first time and passed to a second reading.

A message from the Senate by Mr. Dunn, their secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill thereof:

No. 162. Entitled "An act for the prevention of frauds and perjuries, and requiring certain contracts to be in writing, and declaring certain conveyances, assignments, contracts and mortgages void.

In which the concurrence of the House is respectfully requested.

Bill No. 162, contained in the foregoing message, was read a first time and ordered to a second reading.

A message from the Senate by Mr. Dunn, their secretary:

MR. SPEAKER:

I am directed to inform the House of Representatives that the Senate has passed the following engrossed joint resolution thereof:

No. 170. A joint resolution authorizing the Secretary of State to publish and circulate an act to provide for the incorporation of railroad companies.

In which the concurrence of the House is respectfully requested.

The bill contained in the foregoing message was read a first time and passed to a second reading.

A message from the Senate by Mr. Dunn, their secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bills thereof:

No. 146. Entitled "A bill to provide for the election and compensation of prosecuting attorneys and their deputies, and prescribing certain of their duties."

No. 163. Entitled "An act authorizing proceedings to try the right of property seized by virtue of any writ of execution or attachment and claimed by any other than the execution or attachment defendant."

In which the concurrence of the House is respectfully requested.

Bills No. 146 and 163, contained in the foregoing message, were each read a first time and ordered to a second reading.

By unanimous consent of the House,

Mr. Torbet obtained leave and introduced

No. 288. A bill to repeal section 38, of an act entitled "An act to consolidate and publish in one act the several acts incorporating the city of Lawrenceburgh, and to revise and amend the same."

Which was read a first time and passed to a second reading.

On motion by Mr. Humphreys,

The House adjourned.

TUESDAY MORNING, 8 o'clock, }
May 25, 1852.

The House met.

The Clerk proceeded to read the journal; when,

On motion by Mr. McDowell,

The further reading of the journal was dispensed with.

MEMORIALS PRESENTED.

By Mr. Suit:

The memorial of sundry ladies and gentlemen of Clinton county, praying the passage of a law similar to the Maine law;

Which,

On motion,

Was referred to the committee on Temperance.

REPORTS FROM COMMITTEES.

Mr. Huffstetter, chairman of the committee on Public Buildings, made the following report:

MR. SPEAKER:

The committee on Public Buildings, to whom was referred bill No. 275, a bill to provide for the erection of an armory and the preservation of the State arms, have had the same under consideration and recommend one amendment, and when so amended, recommend its passage.

Amend section one, fifth line, after the word "upon," say "on lot eight, square forty-eight, in the city of Indianapolis."

Which report was concurred in, amendment adopted, and the bill ordered to be engrossed.

By unanimous consent of the House,

Mr. Carpenter obtained leave and offered the following resolution:

Resolved, That the Auditor of State be requested to communicate to this House why thirty-one counties of this State were taxed in 1847 for 93,617 acres of land less than the same counties were taxed for in 1846, while the other counties were taxed for 214,859 acres more in 1847 than in 1846.

Also, why fifty counties decreased in the value of their lands from 1842 to 1847 from ten to fifty per cent., while during the same time the other counties increased from five to twenty-five per cent., as is shown by the Auditor's report of 1847.

Resolved further, That in case said Auditor is of the opinion that the lands in the several counties are unequally assessed, he be requested to suggest some method to remedy the injustice of such inequality.

Which was agreed to.

ORDERS OF THE DAY.

House Bills on Second Reading.

No. 285. A bill providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto;

Was read a second time, and considered as in committee of the whole, and reported to the House with the following amendment:

Section 16, line 4, after the word "therefrom," "any person belonging to any legally organized fire company for personal privileges or."

Which amendment was concurred in.

Mr. Walker moved to amend the bill as follows:

"Every clerk of the board of township trustees in this State, is hereby empowered to administer oaths in all cases touching and necessary in the prosecution of the business of the township of which he is clerk."

Which was agreed to.

Mr. Withers moved to amend the bill as follows:

SEC. —. All money in the treasury of any county, belonging to a road district thereof, shall be paid over to the treasurer of the township in which such district is situate on the warrant of the proper auditor, and shall be applied to the benefit of such district.

Which was agreed to.

Mr. Bulla moved to amend the bill as follows:

So amend the bill that each supervisor shall receive per diem, for all necessary service, one dollar per day.

Which amendment was agreed to.

Mr. Taggart moved to amend the bill as follows:

Section 12—Amend as follows: Insert after the word "the," in the 2d line, the word "white."

Fifth line, after the word "one," insert "and every householder over the age of eighteen."

Sixth line, strike out the word "during."

Which was disagreed to.

Mr. Hicks moved to amend the bill as follows:

So amend the bill that each person subject to work on the highways, may pay to the proper supervisor of his district, the sum of fifty cents as a commutation for each day that said laborer should work.

Which was disagreed to.

Mr. Doughty moved to amend as follows:

Amend by striking out eight hours, and insert nine.

Which was disagreed to.

Mr. Beane moved to amend the bill as follows:

Insert at the proper place "that all moneys and labor intended for the improvement of roads, be expended thereon on or before the 15th of September, in each year."

Which was agreed to.

Mr. McDowell moved to amend the bill as follows:

"The township board may levy, for the purpose of repairing, constructing and making roads in the said township, one and a fourth cents on each and every acre of land lying and being within the limits of said township, subject to taxation, if a majority of the legal voters of said township shall vote at the April election in favor of said tax."

Mr. Williams moved to amend the amendment as follows:

"Amend so that the amount shall not exceed one and three quarters per acre."

Which was accepted.

Mr. Huey moved to amend the amendment as follows:

"Which one and one fourth cent shall be in lieu of all other taxes where so levied."

Which was disagreed to.

Mr. Graham moved to amend the amendment as follows:

"And said tax may be worked out at 75 cents per day for such tax on said land."

Which was accepted.

The question then recurred on the adoption of the amendment as amended, and being put,

The ayes and noes were demanded by Messrs. Smith, (of S.,) and Dice.

Those who voted in the affirmative were,

Messrs. Beane, Beeson, Brady, Bryant, Buskirk, Chowning, Cowgill, Crawford, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Goudy, Graham, Gunn, Hart, Hays of White, Helmer, Henry, Howell, Huey, Humphreys, Leviston, Lindsey of Fayette, Major, Manson, Marrs, McAllister, McConnell, McDonald, McDowell, Miller, Nelson, Porter, Price, Reynolds, Scudder, Shanklin, Smith of Marion, Staton, Struble, Suit, Sumner, Sweet, Thmopson, Watson, Williams, Wilson, and Mr. Speaker—53.

Those who voted in the negative were,

Messrs. Bulla, Carpenter, Crim, Cromwell, Davis of Franklin, Dice, Gibson, Hanna, Hay of Clark, Hicks, Holladay, Holman, Huffstetter, Hunt, Laverty, Lewis, Litchfield, Mayfield, Morris, Ray, Sale, Schonover, Smith of Spencer, Stevens, Stover, Taggart, Torbet, Walker and Withers—29.

So the amendment was adopted.

Mr. Price moved to amend the bill as follows:

"So as to make the term of service of supervisors two years instead of one."

Which was disagreed to.

Mr. Litchfield moved to amend the bill as follows:

"The money so paid to the township treasurer, shall by him be paid out on the order of supervisor or supervisors of said township."

Which was agreed to.

On motion by Mr. Dobson,

The bill was amended in the proper place by striking out "\$5" and insert \$6.

Mr. Beeson moved to lay the bill on the table and print.

Which was disagreed to.

The bill was then ordered to be engrossed.

House bill No. 95. A bill to provide for the enlargement of the Indiana Hospital for the Insane.

Was read a third time,

By unanimous consent of the House,

On motion by Mr. Smith of Marion,

The 3d sec. of the bill was amended by striking out the words "and be it further enacted."

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Brady, Bryant, Bulla, Buskirk, Chowning, Cowgill, Crim, Cromwell, Dobson, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Hicks, Holladay, Holman, Hudson, Hunt, King, Laverty, Lewis, Major, Marrs, Mayfield, McAllister, Nelson, Price, Reynolds, Sale, Scudder, Smith of Marion, Smith of Spencer, Stevens, Stuart, Suit, Taggart, Thompson, Watson, and Mr. Speaker—46.

Those who voted in the negative were,

Messrs. Beane, Beeson, Carpenter, Crawford, Davis of Franklin, Dice, Donaldson, Donham, Goudy, Helmer, Henry, Howell, Huey, Huffstetter, Humphreys, Leviston, Lindsey of Fayette, Litchfield, McConnell, McDonald, McDowell, Miller, Mudget, Ray, Shanklin, Staton, Stover, Struble, Sweet, Walker, Williams, Wilson, and Withers—33.

So the bill did not pass, there not being a constitutional vote given therefor.

House bill No. 104. A bill to regulate the mileage of sheriffs in conveying convicts to the State Prison, and of county treasurers in making deposits, and in their settlement with the Treasurer and Auditor of State;

Was read a third time.

By unanimous consent of the House,

On motion by Mr. Smith of Spencer,

The bill was amended in relation to Spencer county by striking out "90," and inserting "120."

By unanimous consent of the House,

On motion by Mr. Stuart,

The bill was amended in relation to Cass county by striking out "56," and inserting "70."

Mr. Gunn moved to reconsider the vote ordering the bill to be engrossed;

Which was disagreed to.

Mr. Cowgill moved to recommit the bill with the following instructions:

Strike out after the words "Wabash county," "eighty-seven," and insert "one hundred."

Mr. Sale moved to amend the instructions as follows:

Strike out "one hundred and sixty-five," and insert "one hundred and eighty," in the 87th line.

Mr. Davis of Franklin moved to amend the amendment to the instructions by inserting after the word "Franklin," "135."

Mr. McDonald called the previous question;

Which was seconded by the House, and the main question ordered.

The main question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beane, Beeson, Brady, Bryant, Bulla, Buskirk, Chowning, Crawford, Cromwell, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Goudy, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holman, Howell, Hudson, Huey, Huffstetter, Humphreys, Hunt, King, Lavery, Leviston, Lewis, Lindsey of Fayette, Litchfield, Major, Manson, Mayfield, McAllister, McDonald, McDowell, Nelson, Porter, Price, Ray, Reynolds, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Williams, Wilson, Withers, and Mr. Speaker—71.

Those who voted in the negative were,

Messrs. Carpenter, Cowgill, Crim, Davis of Franklin, Holladay, Marrs, McConnell, Mudgett, Sale, and Torbet—10.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

No. 277. A bill to authorise the State Printer to print, bind and publish one thousand copies of the laws passed by the present General Assembly, in the German language;

Was read a third time.

Mr. McDonald moved to recommit the bill with instructions to strike out the *proviso* to the 3d section.

On motion by Mr. Torbet,

The bill was laid on the table.

No. 31. A joint resolution in relation to the revised statutes,
Was read a third time.

On motion by Mr. Torbet,

The joint resolution was laid on the table.

HOUSE BILLS ON THEIR SECOND READING.

No. 288. A bill to repeal section 38 of an act entitled an act to consolidate and publish in one act the several acts incorporating the city of Lawrenceburgh, and to revise and amend the same.

Was read a second time;

And considered as in committee of the whole, and reported to the House without amendment.

On motion by Mr. Torbet,

The bill was referred to the judiciary committee with instructions to make the provisions of the bill apply to all municipal corporations in Indiana.

HOUSE BILLS ON THIRD READING.

No. 176. A bill providing for the completion of the unfinished canals of the State of Indiana,

Was read a third time.

By unanimous consent of the House,

On motion by Mr. Holman,

The bill was amended by striking out the words, "they may be sold at such prices," and also the words "out of this State,"

By unanimous consent of the House,

On motion by Mr. Brady,

The bill was amended by adding the following additional section, to wit:

SEC. 8. In the construction of any of the unfinished canals of this State, it shall be lawful for the board of directors of such company to direct the separation of the water works, or manufacturing privileges, from the navigation purposes of the same, and to make such disposition of such parts thereof, as the board of directors may deem best for the interest of the company.

By unanimous consent of the House,

On motion by Mr. McAllister,

The bill was amended as follows:

Amend at the end of the section: Provided said disposition does not injure or impair the rights and franchises of any other company.

The question then being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beane, Beeson, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cowgill, Crim, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Goudy, Gunn, Hay of Clark, Helmer, Henry, Hicks, Holladay, Howell, Hudson, Huey, Huffstetter, Humphreys, King, Lavery, Leviston, Lindsey of Fayette, Litchfield, Major, Marrs, Mayfield, McAllister, McDowell, Price, Reynolds, Sale, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stover, Struble, Stuart, Suit, Sumner, Sweet, Walker, Watson, Williams, Wilson, and Mr. Speaker—62.

Those who voted in the negative were,

Messrs. Cromwell, Holman, Mudget, Nelson, Porter, Ray, Taggart, Torbet, and Withers—9.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

On motion by Mr. Brady,

The vote ordering House bill No. 285 to be engrossed,

Was reconsidered.

On motion by Mr. Bulla,

The bill was laid on the table, and ordered to be printed.

On motion by Mr. Williams,

House bill No. 284, a bill to authorize township Trustees to construct levees, and to assess a tax therefor,

Was taken from the table.

On motion by Mr. Williams,

The bill was referred to a select committee of five.

Messrs. Williams, Hanna, Stover, Gookins, and Bryant were appointed said committee.

By unanimous consent of the House.

Mr. Carpenter obtained leave, and made the following report:

MR. SPEAKER:

The select committee to whom was referred Senate bill No. 149, for the incorporation of towns, have considered the same, and instructed me to report it to the House, with sundry amendments, and upon their adoption, to recommend the passage of the bill.

Amendments of committee to Senate bill No. 149:

SEC. 15. Add thereto the following:

Provided, That nothing herein contained shall prevent the respec-

tive offices of clerk, treasurer, assessor, and marshal, from being held by one and the same person.

SEC. 22. Strike out all after the word "taxation," in the 5th line of subdivision 15 in said section.

SEC. 27. Strike out said section and insert the following in lieu thereof:

No incorporated town under this act shall have power to borrow money or incur any debt or liability, unless the citizen owners of five-eighths of the taxable property of such town as evidenced by the assessment roll of the preceding year, petition the board of trustees to contract such debt or loan, and such petition shall have attached thereto an affidavit, verifying the genuineness of the signatures to the same; and for any debt created thereby, the trustees shall add to the tax duplicate of each year successively, a levy sufficient to pay the annual interest on such debt or loan, with an addition of not less than five cents on the hundred dollars, to create a sinking fund for the liquidation of the principal thereof.

SEC. 31. Strike out the word "July," in the last line of said section, and insert "June."

SEC. 43. Strike out all after the numbering of said section to the word "the," in the third line, and insert after the word "trustees," in the same line, the word "shall."

SEC. 45. Strike out after the words "to be paid," in the 7th line, all to the words "for their," in the 9th line, and insert the following: "all other officers of such town."

SEC. 47. Strike out said section.

SEC. 49. Insert after the word "of," in the 5th line, the words "a majority of."

Insert the following sections after the 49th section:

SEC. —. Whenever there shall be lots laid off and platted adjoining such town, and a record of the same is made in the recorder's office of the proper county, the trustees may, by a resolution of their board, extend the boundary of such town so as to include such lots; and the lots thus annexed shall thereafter form a part of such town, and be within the jurisdiction thereof. The trustees shall immediately thereafter file a copy of such resolution, together with plat and map of survey defining the boundaries of such addition in the office of the recorder aforesaid.

SEC. —. When any town shall claim to annex contiguous territory thereto, not platted, or laid or recorded, the trustees shall present to the board of county commissioners, a petition setting forth the reasons for such annexation, and shall accompany the same with a map or plat accurately describing by metes and bounds, the territory proposed to be attached, which shall be verified by affidavit. Such trustees shall give thirty days' notice by publication in a newspaper printed in such town, if any, otherwise in the county, or if none there by posting such notices in five or more public places within the corporation. A copy of such notice shall be served on the

owner or owners of such territory, if known, and are residents of the county.

SEC. 53. Strike out after the numbering of said section, all that follows, to the word "trustees," in the third line of the second page thereof, and insert:

Any town heretofore incorporated may, by a resolution of the board of trustees or other municipal board thereof, entered upon the record book of the corporation, become incorporated under this act, but the same shall be deemed a surrender of all the rights and franchises acquired under any former act of incorporation or acts amendatory thereto. A copy of such resolution shall be filed with the clerk of the circuit court of the proper county and entered by him of record.

SEC. 55. Strike out all of said sections after the words "under it," in the 6th line.

SEC. 56. The board of county commissioners upon the reception of such petition shall consider the same, and shall hear the testimony offered for or against such annexation, and if after inspection of the map, and all proceedings had in the case, such board is of the opinion that the prayer of the petition should be granted, it shall cause an entry to be made in the order book, specifying the territory annexed, with the boundaries thereof, according to the survey, and they shall cause an attested copy of such entry to be filed with the clerk of the circuit court of such county, which shall be conclusive evidence in all courts, of such annexation.

The amendments were considered separately.

The question being put on concurring in the 1st and 2nd amendments reported by the committee.

They were agreed to.

The question then being on concurring in the 3d amendment striking out section 27,

Mr. Doughty moved to amend the amendment as follows:

Strike out "taxable property," and insert "voters."

Which was disagreed to.

The question being on concurring in the third amendment of the committee,

The ayes and noes were demanded by Messrs. Buskirk and Humphreys.

Those who voted in the affirmative were,

Messrs. Beeson, Bryant, Bulla, Carpenter, Chowning, Cowgill, Dice, Douthit, Eccles, Geddes, Gibson, Gookins, Goudy, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Hudson, Hunt, King, Lavery, Leviston, Marrs, Mayfield, McDowell, Mudgett, Nelson, Price, Ray, Sale, Scudder,

Shanklin, Stevens, Stover, Struble, Suit, Sumner, Sweet, Thompson, Walker, Watson, and Williams—47.

Those who voted in the negative were,

Messrs. Beeson, Buskirk, Crawford, Cromwell, Dobson, Donham, Foster, Holman, Howell, Huffstetter, Humphreys, Lindsey of Fayette, Major, McAllister, McConnell, Smith of Marion, Smith of Spencer, Staton, Stuart, Taggart, Torbet, Wilson, and Mr. Speaker—23.

So the amendment was agreed to.

Mr. Scudder moved to amend the 53d section as follows:

By inserting in the proper place "that the trustees of any incorporated town shall have power to dispose of any funds that may arise, or that may be on hand, from the issuing of grocery license, as they deem proper for the improvement of the same.

Which disagreed to.

The amendments reported by the committee were concurred in, excepting the amendment to section 56.

On motion by Mr. Holman,

The amendment to the 56th section was stricken out.

Mr. Gookins submitted the following amendments to the bill:

Amend section 9 by adding:

And the existence of said corporation by the name and style aforesaid, shall thereafter be judicially taken notice of in all courts and places in this State without specially pleading or alleging the same.

Amend section 23 by adding:

Provided, That the fine assessed for the violation of an ordinance requiring a license shall not be less than the amount required to be paid for such license, although it may exceed the sum of ten dollars.

Amend the 6th division of section 22 by adding:

To suppress and prohibit the keeping of houses of ill-fame, and to authorize the seizure and destruction of gambling apparatus.

Amend section 35, by inserting in the 11th line after the word sale, the following:

Which sale, if at a county seat, shall be at the door of the court house, or place of holding courts, and if not at a county seat, it shall be held at the door of the town hall or place of meeting of the board of trustees, and the clerk of said board shall perform the like duties, at said sale, as are required of the county auditor, at sale for county and State taxes.

Amend the same section by striking out of the 10th line the words "and personal."

The amendments were considered separately and agreed to

On motion by Mr. Holman,
The bill was laid on the table.

No. 287. A bill for the protection of sheep;
Was read a third time;
The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beeson, Beane, Brady, Bryant, Bulla, Buskirk, Carpenter, Crim, Cromwell, Davis of Franklin, Dice, Donaldson, Donham, Doughty, Douthit, Eccles, Geddes, Gibson, Goudy, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Hudson, Huffstetter, Humphreys, Hunt, King, Lavery, Leviston, Lindsey of Fayette, Litchfield, Marrs, Mayfield, McAllister, McConnell, McDonald, Nelson, Porter, Price, Ray, Sale, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stevens, Struble, Suit, Sumner Sweet, Thompson, Torbet, Walker, Watson, Williams, and Mr. Speaker—64.

Those who voted in the negative were,

Messrs. Cowgill, Crawford, Huey, Major, McDowell, Stover, Stuart, Taggart, and Wilson—9.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

On motion by Mr. Stover,

The following message of the Senate was taken up:

A message from the Senate, by Mr. Dunn, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the House has refused to concur in the 2d, 3d, 5th and 11th engrossed amendments of the House to engrossed bill of the Senate No. 119, "a bill defining felonies and prescribing punishment therefor," and have concurred in the 6th, 7th, 8th, 9th, and 10th engrossed amendments of the House thereto, and have concurred in the 1st and 4th amendments of the House, with engrossed amendments of the Senate thereto.

In which the concurrence of the House is respectfully requested.

On motion by Mr. Holman,

The House insisted on its 2d, 3d, 5th, and 11th engrossed amendments to Senate bill No. 119, contained in the foregoing message.

Ordered that the clerk inform the Senate thereof.

The engrossed amendments of the Senate to the engrossed amendments of the House to Senate bill No. 119, contained in the foregoing message, were concurred in.

Ordered that the Clerk inform the Senate thereof.

On motion by Mr. Holman,

A committee of Conference was appointed on the part of the House, to act with a similar committee on the part of the Senate to settle the disagreement between the two Houses on Senate bill No. 119, contained in the foregoing message; and

Messrs. Holman and Gookins appointed said committee on the part of the House.

Ordered that the Clerk inform the Senate thereof.

Mr. Holman moved that when this House adjourn, it adjourn to meet to-morrow morning at 8 o'clock.

Which was agreed to.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bill thereof:

No. 174, entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State.

In which the concurrence of the House is respectfully requested.

Bill No. 174, contained in the message, was taken up.

Mr. Holman moved to suspend the rule, and read the bill a first time by its title.

And the question being put,

Those who voted in the affirmative were,

Messrs. Beane, Beeson, Brady, Bryant, Bulla, Buskirk, Carpenter, Cowgill, Crim, Cromwell, Dice, Donaldson, Donham, Eccles, Foster, Gibson, Gookins, Goudy, Gunn, Hays of White, Helmer, Henry, Hicks, Holman, Howell, Huey, Huffstetter, Hunt, Lavery, Leviston, Lindsey of Fayette, Litchfield, Major, Marrs, McAllister, McConnell, Miller, Nelson, Porter, Price, Ray, Scudder, Staton, Stevens, Stover, Struble, Stuart, Suit, Sweet, Taggart, Torbet, Walker, Watson, Williams, Wilson, and Mr. Speaker—56.

Those who voted in the negative were,

Messrs. Crawford, Dobson, Douthit, Hanna, Hay of Clark, Holla-

day, Hudson, Humphreys, King, Mayfield, McDonald, McDowell, Sale, Shanklin, Smith of Marion, Smith of Spencer, Thompson, and Withers—18.

So the rule was suspended, and the bill read a first time by its title.

Mr. Crim moved to further suspend the rule, and read the bill a second time by its title now.

And the question being put,

Those who voted in the affirmative were,

Messrs. Beane, Beeson, Brady, Bryant, Bulla, Buskirk, Carpenter, Cowgill, Crim, Cromwell, Dice, Dobson, Donaldson, Donham, Eccles, Foster, Gibson, Gookins, Goudy, Hays of White, Helmer, Henry, Hicks, Holman, Huffstetter, Hunt, Laverty, Litchfield, Major, Marrs, Mayfield, McConnell, Nelson, Porter, Price, Ray, Scudder, Staton, Stevens, Stover, Struble, Stuart, Suit, Sweet, Taggart, Torbet, Walker, Williams, Wilson, and Mr. Speaker—50.

Those who voted in the negative were,

Messrs. Crawford, Davis of Franklin, Douthit, Gunn, Hanna, Hay of Clark, Holladay, Howell, Hudson, Huey, Humphreys, McDonald, Miller, Sale, Shanklin, Smith of Marion, Smith of Spencer, Sumner, Thompson, Watson and Withers—21.

So the rule was suspended, and the bill read a second time by its title.

On motion by Mr. Suit,

The bill was referred to the same select committee heretofore appointed on that subject.

By unanimous consent of the House,

Mr. Hudson obtained leave and introduced the following resolution:

Resolved, That the Door-keeper be instructed to immediately employ a mechanic to ventilate the hall from the top.

Which was agreed to.

On motion by Mr. McConnell,

Messrs. Gibson and Bryant were added to the select committee to which was referred the report of the commissioners on law reform.

On motion by Mr. Gibson,

The following messages from the Senate were taken up:

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House:

No. 262. "An act defining who are persons of unsound mind; authorizing the appointment of guardians for such persons, defining the powers and duties of such guardians; declaring void the contracts of persons of unsound mind, and providing for their restraint, if necessary."

With the accompanying engrossed amendments of the Senate thereto,

In which the concurrence of the House is respectfully requested.

The question being put on concurring in the engrossed amendments of the Senate,

They were agreed to.

Ordered that the Clerk inform the Senate thereof.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House:

No. 200. "An act prescribing the powers and duties of justices of the peace in State prosecutions."

With the accompanying engrossed amendments of the Senate thereto,

In which the concurrence of the House is respectfully requested.

The question being put on concurring in the engrossed amendments of the Senate, contained in the foregoing message,

They were agreed to.

Ordered that the clerk inform the Senate thereof.

On motion by Mr. McDonald,

The following message from the Senate was taken up:

A message from the Senate, by Mr. Dunn, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House:

No. 93, "A bill to regulate the sale of the swamp lands donated by the United States to the State of Indiana, and to provide for the draining, and reclaiming thereof, in accordance with the conditions of said grant," with the accompanying engrossed amendments of the Senate thereto.

In which the concurrence of the House is respectfully requested.

The engrossed amendments of the Senate to House bill No. 93, contained in the foregoing message:

Were concurred in.

Ordered that the Clerk inform the Senate thereof.

Mr. Smith of Marion, Chairman of the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee on enrolled bills have compared the following enrolled with the engrossed bills of the House of the corresponding numbers, and report them correctly enrolled.

No. 221. An act concerning county prisons.

No. 225. An act concerning fugitives from justice.

No. 228. An act regulating the election and duties of State Librarian.

No. 242. An act to submit to the voters of the counties of Perry and Spencer, at the general election for the year 1852, a proposal to create a new county out of a portion of the territory of said counties, under the provision of the fifteenth specification of the schedule to the constitution, and providing for the manner of voting on said proposition, and the duty of officers of the election, and the clerks of the circuit courts, and sheriffs of said counties respectively, and of the Secretary of State in relation thereto.

No. 251. An act for the regulation of the penitentiary.

No. 265. An act prescribing the powers and duties of coroners.

No. 268. An act to provide for the erection and repair of bridges.

Whereupon the Speaker signed the same.

Ordered that the clerk inform the Senate thereof.

On motion by Mr. Beeson,

The House adjourned.

WEDNESDAY MORNING, 8 o'clock, }
 May 26, 1852. }

The House met

The clerk proceeded to read the Journal.

Mr. Goudy moved to suspend the further reading thereof.

Which was disagreed to.

The Journal was then read.

PETITIONS, MEMORIALS AND REMONSTRANCES PRESENTED.

By Mr. Dobson:

A memorial from sundry ladies and gentlemen of Owen county ,
 on the subject of temperance.

Which,

On motion,

Was referred to the committee on temperance.

REPORTS FROM COMMITTEES.

Mr. Huffstetter, chairman of the committee on roads, made the following report:

MR. SPEAKER:

The committee on Roads, to whom was referred bill No. 274, a bill in relation to navigable water courses and the enjoyment thereof, have had the same under consideration, and have directed me to report the same back and ask that it be laid on the table.

Which was concurred in, and the bill laid on the table.

Mr. Hicks from the select committee on printing, made the following report:

MR. SPEAKER:

The select committee on printing, to whom was referred the petition of Christian Badger, and some 45 others, *Germans* of Clark

county, praying for the publication of the laws in their own language, have had the same under consideration, and have directed me to make the following report, viz :

That the House have already before them and under consideration a bill answering the prayer of the petition.

In view of that fact the committee ask to be discharged from the further consideration of the subject.

Which was concurred in.

Mr. Behm, from a select committee made the following report :

MR SPEAKER:

The select committee to whom was referred House bill No. 250, entitled "an act to abolish the office of State Agent," &c., have had the same under consideration, and have directed me to report that, in the opinion of a majority of said committee, the Legislature have undoubted power to abolish said office; that there is no provision in what is usually denominated the "Butler bill" requiring us to maintain said agency in its present form. The committee are of opinion that the duties of said office might be as efficiently and with much less expense discharged by the Auditor of State. It appears from the report of the Treasurer of State, that said office, as at present constituted, costs the State from \$2,500 to \$4,000 annually. It is confidently believed that the Auditor of State could perform the duties of the office for a compensation not exceeding in its utmost limit \$1000 annually, thus saving to the State by the abrogation of the agency from \$1,500 to \$2,500 annually. The committee report the bill back to the House, and a majority thereof would respectfully recommend its passage.

The question being on ordering the bill to be engrossed,

Mr. Gibson moved to lay the bill on the table ;

And the question being put,

The ayes and noes were demanded by Messrs. Gibson and Behm.

Those who voted in the affirmative were,

Messrs. Beane, Beeson, Brady, Buskirk, Chowning, Crawford, Dobson, Donaldson, Donham, Foster, Gibson, Hanna, Hart, Henry, Howell, Huey, Hunt, Lavery, Lewis, Lindsey of Fayette, Litchfield, Major, Manson, McAllister, McDowell, Nelson, Porter, Ray, Schoonover, Smith of Marion, Stover, Struble, Stuart, Sweet, Taggart, Torbet, Wells, and Mr. Speaker—38.

Those who voted in the negative were,

Messrs. Behm, Bryant, Bulla, Carpenter, Cowgill, Crim, Cromwell, Davis of Franklin, Dice, Doughty, Douthit, Geddes, Goudy, Graham, Gunn, Hay of Clark, Hays of White, Helmer, Hicks, Holladay, Hudson, King, Leviston, Mayfield, McDonald, Miller, Price, Sale, Scudder, Shanklin, Smith of Spencer, Staton, Stevens, Suit, Sumner, Thompson, Walker, Watson, Williams, Wilson, and Withers—41.

So the bill was not laid on the table.

Mr. Manson submitted the following amendment to the bill, viz:

Sec. —. And that the Secretary of State be allowed the sum of 800 dollars per annum for such service.

Sec. —. And the Trustee of the Wabash and Erie Canal on the part of the bondholders the sum of 1500 dollars per annum, the Resident Trustee 700 dollars per annum, and the Trustee on the part of the State 700 per annum.

The question being put on the adoption of the amendment,

The ayes and noes were demanded by Messrs. Manson and Buskirk.

Those who voted in the affirmative were,

Messrs. Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Chowning, Crawford, Crim, Cromwell, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Hanna, Hay of Clark, Helmer, Henry, Holladay, Howell, Huey, Humphreys, Laverty, Leviston, Lewis, Lindsey of Fayette, Litchfield, Major, Manson, Mayfield, McDonald, McDowell, Miller, Nelson, Ray, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stevens, Stuart, Suit, Sumner, Sweet, Thompson, Walker, Watson, Wells, Williams, Withers, and Mr. Speaker—58.

Those who voted in the negative were,

Messrs. Carpenter, Gookins, Goudy, Graham, Gunn, Holman, Hudson, Huffstetter, Hunt, King, McAllister, Porter, Reynolds, Sale, Staton, Stover, Taggart, and Withers—18.

So the amendment was adopted.

Mr. McDonald moved to recommit the bill to a committee of seven, with instructions to perfect the bill.

Mr. Reynolds moved to indefinitely postpone the bill.

And the question being put.

The ayes and noes were demanded by Messrs. Reynolds and Manson.

Those who voted in the affirmative were,

Messrs. Beeson, Brady, Buskirk, Chowning, Crawford, Dobson, Donaldson, Donham, Douthit, Eccles, Foster, Gibson, Gookins, Hanna, Hays of White, Holman, Howell, Huey, Huffstetter, Humphreys, Lavery, Lewis, Lindsey of Fayette, Litchfield, Manson, McAllister, McConnell, McDowell, Nelson, Porter, Ray, Reynolds, Smith of Marion, Stover, Struble, Stuart, Sweet, Taggart, Walker, Wells, Withers, and Mr. Speaker—42.

Those who voted in the negative were,

Messrs. Beane, Behm, Bryant, Bulla, Crim, Cromwell, Dice, Dougherty, Geddes, Goudy, Graham, Gunn, Hay of Clark, Helmer, Henry, Hicks, Holladay, Hudson, Hunt, King, Leviston, Major, Mayfield, McDonald, Miller, Sale, Scudder, Shanklin, Smith of Spencer, Stevens, Suit, Sumner, Thompson, Torbet, Watson, Wilson, and Withers—37.

So the bill was indefinitely postponed.

Mr. Williams from a select committee made the following report:

MR. SPEAKER:

The select committee to whom was referred resolution of the House in relation to the funeral expenses of the Hon. Bradford Glazebrook, and Henry Hostetter, late Representatives from the counties of Putnam and Vermillion, make the following report:

Expenses on account of H. Hostetter, paid by E. G.	
Holladay as per vouchers.....	\$61,25
Due J. B. Fidler & Co. undertakers.....	41,00
Due Drs. Mothershead and Bullard.....	20,00
	<hr/>
	\$122,25
Expenses on account of B. Glazebrook, due executor as	
per account.....	\$100,00

Your committee recommend that the above accounts be allowed in the specific appropriation bill, and ask to be discharged.

On motion by Mr. Williams,

The report was referred to the committee on Ways and Means.

ORDERS OF THE DAY.

On motion by Mr. Brady,

House bill No. 95. A bill to provide for the enlargement of the Indiana Hospital for the Insane, which was lost on its passage on yesterday was called up.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Brady, Bryant, Bulla, Buskirk, Chowning, Crim, Dice, Dobson, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Hicks, Holladay, Holman, Hudson, Humphreys, Hunt, King, Lavery, Leviston, Lewis, Major, McAllister, McDonald, Miller, Nelson, Porter, Reynolds, Scudder, Smith of Marion, Smith of Spencer, Staton, Stevens, Stover, Stuart, Suit, Sumner, Taggart, Torbet, Watson, Wells, Williams, Withers, and Mr. Speaker—53.

Those who voted in the negative were,

Messrs. Beane, Beeson, Carpenter, Crawford, Cromwell, Donham, Goudy, Helmer, Henry, Howell, Huey, Huffstetter, Lindsey of Fayette, Litchfield, McConnell, McDowell, Ray, Shanklin, Struble, Sweet, Thompson, Walker, and Wilson—23.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

No. 209. A bill concerning enclosures, trespassing animals, and partition fences;

Was read a third time, and,

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beane, Beeson, Brady, Bryant, Bulla, Chowning, Crawford, Crim, Cromwell, Dice, Dobson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Goudy, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Howell, Hudson, Huey, Huffstetter, Hunt, King, Lavery, Leviston, Lindsey of Fayette, Lewis, Litchfield, Major, Manson, McDonald, McDowell, Miller, Nelson, Porter, Price, Reynolds, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—70.

Mr. Ray voted in the negative.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

No. 286. A bill to encourage more effectually the destruction of wolves;

Was read a third time.

By unanimous consent of the House,

On motion by Mr. Taggart,

The bill was amended as follows:

Amend section first as follows:

Strike out "one dollar and fifty cents," and insert "five dollars," for every wolf killed over the age of three months, and one dollar and fifty cents for all under the age aforesaid."

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beane, Beeson, Behm, Bryant, Bulla, Crawford, Crim, Cromwell, Dice, Dobson, Doughty, Douthit, Foster, Geddes, Gookins, Goudy, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Henry, Hicks, Holladay, Howell, Huey, Huffstetter, Humphreys, Hunt, King, Laverty, Leviston, Lewis, Lindsey of Fayette, Litchfield, Major, Manson, Mayfield, McConnell, McDonald, Miller, McDowell, Nelson, Porter, Price, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stover, Struble, Suit, Stuart, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—66.

Those who voted in the negative were,

Messrs. Eccles, Helmer and Ray.

So the bill passed.

Ordered, that the Clerk inform the Senate thereof.

On motion by Mr. Gookins,

House bill No. 281. A bill extending the admissibility of records in evidence;

Was taken from the table and placed upon the files of the House.

No. 275. A bill to provide for the erection of an armory, and the preservation of the State arms and accoutrements;

Was read a third time.

On motion by Mr. Hudson,

The bill was laid on the table.

The Speaker laid before the Senate the following communication from the Auditor of State.

OFFICE OF AUDITOR OF STATE, }
INDIANAPOLIS, May 25, 1852. }

HON. WM. H. ENGLISH,

Speaker of the House of Representatives:

SIR:—I have received the following resolution of the House, to-wit:

Resolved, That the Auditor of State be requested to communicate to this House why thirty-one counties of this State were taxed in 1847 for 93,617 acres of land less than the same counties were taxed for in 1846, while the other counties were taxed for 214,859 acres more in 1847 than in 1846.

Also, why fifty counties decreased in the value of their lands from 1842 to 1847, from ten to fifty per cent., while during the same time the other counties increased from five to twenty-five per cent., as is shown by the Auditor's report of 1847.

Resolved further, That in case said auditor is of the opinion that the lands in the several counties are unequally assessed, he be requested to suggest some method to remedy the injustice of such inequality.

The facts noticed in the first resolution were brought to the attention of the then Auditor of State at the time to which it refers, and I know of no other explanation than what was given by him in his annual report for the year 1847.

He says:

"The decrease in so many counties, in the number of acres of land assessed in 1847, compared with the assessment for 1846, is rather remarkable. It may in part be accounted for by supposing that in 1846 there may have been double assessments—that some may have been assessed which had been purchased by the Banks in the collection of their debts, which, by a decision of the supreme court, are exempt from taxation as *lands*, and are considered as a part of their *stock*—and that in some counties an erroneous interpretation may still be given to the act approved Jan. 19, 1846, entitled "An act to subject certain lands to taxation," construing it to exempt all school lands from taxation until ten years after the time of the sale, when it obviously means, taken in connection with other enactments, to continue to tax them according to the amount paid until the expiration of ten years after their sale, and after that to the full amount whether fully paid out or not."

The Auditor also found the appraisement of 1846 to be very unequal, and in relation thereto made the following very just and sensible remarks:

"The column showing the average rate per acre of land in 1847, cannot fail to demonstrate the inequality of the valuation of real estate made in 1846, and the propriety of adopting some mode, if possible, by which the inequality may be remedied. The average rate, taking the whole State together, is undoubtedly low; but it is not so material whether the valuation be *low* or *high*, as it is that it be *equal*. Nothing can be so well calculated to commend to public favor a revenue system, or to induce a cheerful compliance with its requisitions, as the belief that it is *just* and *equitable*. There is no doubt that locality and fertility of soil should have much to do with the valuation of lands for taxation, but it would seem strange that the value of lands in counties contiguous to each other should vary so much as this table indicates; and it seems hardly probable that a valuation can be equal, no matter in what part of the State the lands may be situated, which fixes the average value per acre in some counties at *nine dollars* and in others at *two dollars*."

I have no other means of answering the inquiries embraced in the first resolution.

The appraisement of 1851 was made under embarrassing circumstances. The act itself was full of contradictions, and it became necessary, in order to carry out the intentions of the Legislature, to disregard some of its provisions. The appraisement had to be completed within a limited period, and in most of the counties it was performed by several individuals, whose valuation of property was any thing but uniform, and whose capacity for this important task may in many instance be doubted.

The result is that probably not in one county in ten is the real estate estimated up to its actual value, and the want of uniformity is fully as great as under the appraisement of 1846. Some of the county boards took it upon themselves to adjust matters to their own satisfaction,—in LaGrange county reducing the valuation one-half, and in eight of the ten townships of Ripley county making a deduction of one third, &c. Most of the county boards and county auditors have complied with the provisions of "An act providing a remedy for the illegal reduction of the aggregate valuation of real estate in the several counties of this State," approved January 12, 1852, but the officers in the county of Ripley utterly refuse to comply with it in any respect, and treat the law as a nullity.

Under this state of facts there are but three alternatives—either to submit to the great injustice of an unequal appraisement—or to adjust and equalize it by some competent authority; or, lastly, to provide for a new valuation.

It cannot be expected that men, whose rights are solemnly guaranteed to them by the constitution, and who are taxed to their utmost capacity for the support of the government in its various

branches, will submit to the manifest injustice of the present valuation without a murmur. Their complaints are just and reasonable, and they have a right to be heard.

A system of equalization, commencing with the county boards, to correct errors and equalize the valuation between the individuals of the county, a district board, composed of the several county auditors of the congressional district, and a State Board composed of delegates from the district boards with the Auditor of State as their presiding officer, strikes me more favorably than any other that has been suggested. It is doubtful, however, whether this would be a sufficient remedy for the inequalities of the present valuation.

In a young and growing State like ours, the relative value of real estate is constantly changing, and however equal the valuation of this year, another year may find it operating oppressively upon some portions of the State. Frequent valuations are therefore necessary, and, to ensure exact justice, an annual valuation. Certainly as often as once in three years the reappraisement should be made.

The remedy I would respectfully suggest, in compliance with the second resolution, is, therefore, a reappraisement of the real estate, to be taken by competent officers, adequately compensated, and to be completed by the first of April, 1853. I would also create boards of equalization, in the manner heretofore suggested, who should complete their work prior to the first of June succeeding, that it might appear upon the duplicate of 1853.

In this manner we shall only suffer for two years under the injustice of the present appraisement, and shall probably have learned something from the experience of the past.

I have the honor to be,

Very respectfully,

E. W. H. ELLIS,

Auditor of State.

On motion by Mr. Carpenter,

The report was laid on the table and 150 copies ordered to be printed.

Senate bill No. 163. A bill authorizing proceedings to try the rights of property seized by virtue of any writ of execution or attachment, and claimed by any other than the execution or attachment defendant.

Was read a second time; and considered as in committee of the whole, and reported to the house with the following amendment:

Amend the 13th section, 15th line by inserting after the word "seized," the words "as may be adjudged subject to the execution or attachment."

Which was concurred in and the bill was ordered to a third reading.

Mr. McDonald, in pursuance of previous notice, obtained leave and introduced,

No. 289. A bill regulating warehouses and the keepers thereof, and for the protection of persons depositing produce, goods, wares, and merceandize therein.

Which was read a first time and passed to a second reading.

Senate joint resolution No. 170, authorizing the Secretary of State to publish and circulate an act to provide for the incorporation of railroad companies;

Was read a second time.

Mr. Stuart submitted the following amendment to the joint resolution:

Amend section first by adding the following, after the words companies "and a bill to authorize, and regulate the business of general banking."

Also, "a bill to establish courts of common pleas."

Which was agreed to, and the joint resolution ordered to a third reading.

Senate bill No. 173. A bill for the benefit of Mary Page Reid;

Was read a second time and considered as in committee of the whole and reported to the House without amendment.

On motion by Mr. Gibson,

The bill was referred to the judiciary committee with instructions to enquire into its constitutionality.

Senate bill No. 146. A bill to provide for the election and compensation of prosecuting attorneys and their deputies, and prescribing certain of their duties;

Was read a second time, and considered as in committee of the whole, and reported to the House without amendment.

On motion by Mr. Hudson,

The bill was amended by striking out the sixth section.

On motion by Mr. Holman,

The bill was referred to the committee on Fees and Salaries.

Senate bill No. 162. A bill for the prevention of frauds and perjuries, and requiring contracts to be in writing, and declaring certain conveyances, assignments, contracts and mortgages void;

Was read a second time, and considered as in committee of the whole, and reported to the House without amendment, and ordered to a third reading.

On motion by Mr. Bryant,

Mr. Huffstetter was appointed on the select committee appointed to district the State into judicial circuits, to supply the vacancy occasioned by the absence of Mr. Kent.

On motion by Mr. Holman,

House bill No. 149. A bill for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties;

Was taken from the table.

Mr. Holman submitted the following amendment to the bill:

SEC. 56. The board of county commissioners, upon the reception of such petition, shall consider the same, and shall hear the testimony offered for or against such annexation, and if, after inspection of the map and the testimony being heard, such board is of the opinion that the prayer of such petition should be granted, it shall cause an entry to be made on the order book specifying the territory annexed, with the boundaries thereof, according to the survey; which entry or an attested copy thereof shall be conclusive evidence in all courts, of such annexation.

Which was agreed to, and the bill ordered to be engrossed.

On motion by Mr. Gibson,

The House adjourned until to-morrow morning, 8 o'clock.

THURSDAY MORNING, 8 o'clock, }
May 27, 1852. }

The House met.

The journal of the preceding day was read.

PETITIONS PRESENTED.

By Mr. Smith of Marion:

The petition of sundry citizens of Mechanicsburgh, Marion county, praying the change of the name of said town to that of "Clermont."

Which,

On motion,

Was referred to a select committee consisting of Messrs. Smith of Marion, Brady and Howell.

Mr. Gibson, from the joint select committee on Revision, made the following reports:

MR. SPEAKER:

The joint select committee on Revision, to whom was referred House bill No. 125, "a bill to regulate and limit the expenses of the State Benevolent Institutions," have directed me to report the same back and recommend that it be laid on the table.

MR. SPEAKER:

The joint select committee on Revision, to whom was referred House bill No. 185, "an act to amend an act for the relief of certain persons therein named," have had the same under consideration, and are unanimously of the opinion that said bill is unconstitutional, because a general law can be framed to meet the special case therein provided for; they have, therefore, directed me to report the same back with a recommendation that it be laid on the table.

In which the concurrence of the House is respectfully requested.

MR. SPEAKER:

The select joint committee on Revision, to whom was referred House bill No. 149, "an act to prefix to volumes of Legislative enactments hereafter published, the names and residence of Governor, &c.," have had the same under consideration, and have directed me to report the same back, with a recommendation that the bill be laid on the table.

In which the concurrence of the House is respectfully requested.

MR. SPEAKER:

The select joint committee on Revision, to whom was referred House bill No. 81, "an act to repeal an act defining the duties of the treasurer of Morgan county," have had the same under consideration, and have directed me to report the same back, with a recommendation that the same be laid upon the table, as the object sought to be obtained will be effected by the general repealing act reported by this committee.

In which the concurrence of the House is respectfully requested.

MR. SPEAKER:

The select joint committee on Revision, to whom was referred

House bill No. 174, "an act relative to the competency of witnesses," have had the same under consideration, and find the subject properly in the hands of the Law Commissioners; they have, therefore, directed me to report the same with a recommendation that the bill be laid on the table.

In which the concurrence of the House is respectfully requested.

MR. SPEAKER:

The select joint committee on Revision, to whom was referred House bill No. 180, "an act in relation to witnesses in civil cases," have had the same under consideration, and find the subject properly in the hands of the Law Commissioners; they have, therefore directed me to report the same back with a recommendation that the bill be laid on the table.

In which the concurrence of the House is respectfully requested.

MR. SPEAKER:

The select joint committee on Revision, to whom was referred House bill No. 187, "a bill to exempt the stocks of railroads, turn-pike roads, &c., from taxation, until a part of the same shall be completed and in operation," have had the same under consideration. The committee are unanimously of the opinion that the provisions of said bill are alike impolitic, as unconstitutional, and have, therefore directed me to report the same back with a recommendation that the bill be indefinitely postponed.

In which the concurrence of the House is respectfully requested.

Which reports were concurred in.

Mr. Shanklin, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred a resolution of the House directing them to ascertain and report to this House the funeral expenses of the Hon. Joseph W. Holliday, late Representative of Blackford county, and report to this House, have discharged that duty, and have directed me to submit the following report, and accompanying papers, all of which is respectfully submitted; and your committee ask to be discharged from the further consideration of the subject:

To medical attention by W. C. Thompson, M. D.	\$8 50
Account of Mary McLain, over and above boarding.	25 00
To Weaver and Williams for metallic burial case	45 00
To silver plate with name and age	5 00
To shoes and cravat	2 00
To Wood & Foudray, two hacks to funeral.	5 00
To Robson & Lawrence, to two carriages to funeral.	4 00
Palmer House Omnibus	2 00
Conveying and burial expenses	4 50

\$101 00

Which,

On motion by Mr. Shanklin,

Was referred to the committee of Ways and Means.

Mr. Holman, from a select committee, made the following report:

MR. SPEAKER:

The select committee to which was referred Senate bill No. 169, a bill to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, have had the same under consideration, and report it back to the House, with the following amendments, and when adopted, a majority of the committee recommend its passage.

SEC. 8. *First.* Strike out all after the word "except" in the first line, inclusive.

SEC. 9. *Second.* Strike out the whole section.

SEC. 33. *Third.* After the word "residence" in the 2d line, insert the words, "or may be found."

SEC. 41. *Fourth.* After the word "defendants" in 7th line, where it last occurs, insert the words "and may afterwards proceed against those not served."

SEC. 50. *Fifth.* Strike out the word "disregarded" in the tenth line, and insert "overruled."

SEC. 73. *Sixth.* Strike out all after the word "attorney," in the first line.

SEC. 74. *Seventh.* Strike out the whole section.

SEC. 78. *Eighth.* After the word "account" in the first line, insert the words "the original or."

SEC. 188. *Ninth.* After the figures "172," insert as follows:

"If the defendant appear, and judgment be rendered in favor of the plaintiff, and any part thereof remain unsatisfied after exhausting the property attached, such judgment shall be deemed a judgment against the defendant personally, and shall have the same effect

as other judgments, and execution shall issue thereon accordingly for the collection of such residue.

SEC. 156. *Tenth.* Strike out the word "first" and the words "on a debt or demand arising upon contract," and in the 4th and 5th lines insert before the words "the defendant" in the 5th line the word "where," and before that word insert "1st" and number in that order through the section; strike out the 7th line.

SEC. 157. *Eleventh.* After the word "attachment" in the 1st line insert the words "except for the causes mentioned in the 3rd, 4th and 5th clauses of the preceding section."

SEC. 161. *Twelfth.* Strike out all after the word "execution" in the 4th line.

SEC. 216. *Thirteenth.* Strike out the words "defendant has resided" in the 3rd line and insert "parties have resided, or cause of action occurred."

SEC. 239. *Fourteenth.* Strike out the words "crime or," in the 2nd line.

SEC. 245. *Fifteenth.* Strike out the word "fact" in the 1st line and insert the word "interest."

SEC. 317. *Sixteenth.* Strike out the section.

SEC. 314. *Seventeenth.* Strike out the fifth clause after the word "judge" in the 15th line, and insert "if required by either party."

SEC. 354. *Eighteenth.* Strike out the section.

SEC. 610. *Nineteenth.* After the word "building" in the 2d line, insert "or who may have furnished any engine or other machinery for any mill, distillery or other manufactory;" after the words "repaired or" in the 3d line, insert "upon any building, mill, distillery, or other manufactory."

SEC. 611. *Twentieth.* After the word "repairs" in the 2d line, insert "or to the engine or other machinery furnished for any mill, distillery or other manufactory, unless furnished to the owner of the land on which the same may be situate."

Twenty First. After section 418, insert the following:

SEC. —. Money deposits, general or special, of coin, current bank paper, or evidences of debt, issued by any moneyed corporation, subject to the disposal, withdrawal or credit of any execution debtor, in his own right in any Bank, Insurance Company, Savings institution, private bank or other moneyed corporation, may be levied on as personal property, subject to the rights of the bank or other corporation holding the same, or to the rights of any *bona fide* assignee of the same before levy.

SEC. —. *Twenty Second.* Such levy shall be made by the sheriff, leaving with the Cashier or other accounting officer of such corporation, or company, a certified copy of the execution, with a statement that he levied on such deposits.

SEC. —. *Twenty Third.* The Sheriff shall have authority to examine the Cashier, or accounting officer, on oath to be by him administered, touching such deposits, and the account of the depositor

with the corporation, such Cashier shall certify thereto, and if he refuse or neglect, shall be liable in an action for damages to the execution creditor.

SEC. —. *Twenty Fourth.* Such deposits, when so levied on, or enough thereof to satisfy such execution, shall be transferred by the Cashier or accounting officer at their current value, to the execution creditor or to his credit, and the creditor shall succeed to all the rights of the depositor therein, such Cashier, or accounting officer, shall pay out of the deposits all costs on said writ of execution, and the Sheriff shall return upon said writ such deposits as so much money paid to the plaintiff therein.

SEC. 790. *Twenty Fifth.* Strike out from the word “discharged,” in the 3d line, to the words “in all,” in the 5th line.

Twenty Sixth. Strike out the word “*summons*” wherever it occurs in sections 230, 231, 232, 233, 234, 235, 250, and wherever else it may occur, as applied to notifying witnesses to appear; and insert the word “*subpoena*.”

SEC. 273. *Twenty-seventh.* Strike out the words in the first and second lines, “within thirty days after the deposition is taken to be filed in the office of,” and insert, “be sent forthwith by mail or by some disinterested person to.”

Also, add to the same section, “the clerk shall file said depositions and it shall remain filed, until published by order of the court, after the commencement of such expected action.”

On motion by Mr. Suit,

The amendments were considered separately.

The question being put on the adoption of the first amendment,

The ayes and noes were demanded by Messrs. Holman and McDowell.

Those who voted in the affirmative were,

Messrs. Behm, Bryant, Buskirk, Crim, Donham, Doughty, Foster, Geddes, Gookins, Graham, Gunn, Hart, Henry, Hicks, Holladay, Holman, Howell, Hudson, Huffstetter, Humphreys, Laverty, Leviston, Lewis, Lindsey of Fayette, Mayfield, McConnell, Nelson, Reynolds, Sale, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stevens, Stover, Struble, Sumner, Sweet, Taggart, Torbet, Walker, Watson, Williams, and Mr. Speaker—44.

Those who voted in the negative were,

Messrs. Beane, Beeson, Bulla, Chowning, Cowgill, Cromwell, Davis of Franklin, Dice, Donaldson, Douthit, Eccles, Gibson, Goudy, Hanna, Hay of Clark, Helmer, Huey, Hunt, Litchfield, Marrs, McAllister, McDonald, McDowell, Miller, Porter, Price, Suit, Thompson, Wells, Wilson and Withers—31.

So the amendment was concurred in.

And the question being put on concurring in the second amendment,

The ayes and noes were demanded by Messrs. King and Holman.

Those who voted in the affirmative were,

Messrs. Behm, Bryant, Buskirk, Cowgill, Crawford, Dobson, Doughty, Eccles, Foster, Geddes, Gookins, Graham, Gunn, Hart, Hay of Clark, Helmer, Hicks, Holladay, Holman, Howell, Hudson, Humphreys, King, Lavery, Leviston, Lindsey of Fayette, Major, Manson, Mayfield, McAllister, McConnell, Nelson, Ray, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Stevens, Struble, Stuart, Sumner, Sweet, Taggart, Torbet, Walker, Watson, Williams, Wilson, and Mr. Speaker—52.

Those who voted in the negative were,

Messrs. Beane, Beeson, Brady, Bulla, Chowning, Crim, Cromwell, Davis of Franklin, Dice, Donaldson, Donham, Douthit, Gibson, Goudy, Hanna, Hays of White, Henry, Huey, Hunt, Litchfield, Marrs, McDonald, McDowell, Miller, Mudget, Porter, Price, Staton, Stover, Suit, Thompson, Wells and Withers—33.

So the amendment was concurred in.

The question being put on concurring in the third amendment,

The ayes and noes were demanded by Messrs. Holman and Gibson.

Those who voted in the affirmative were,

Messrs. Behm, Bryant, Bulla, Buskirk, Carpenter, Cowgill, Crim, Davis of Franklin, Doughty, Geddes, Gibson, Gookins, Goudy, Hanna, Hay of Clark, Helmer, Hicks, Holladay, Holman, Howell, Hudson, Huffstetter, King, Leviston, Mayfield, Ray, Smith of Spencer, Stevens, Stuart, Thompson, Torbet and Walker—32.

Those who voted in the negative were,

Messrs. Beane, Beeson, Brady, Chowning, Crawford, Cromwell, Dice, Dobson, Donaldson, Donham, Douthit, Eccles, Foster, Graham, Gunn, Hays of White, Henry, Huey, Humphreys, Hunt, Lavery, Lindsey of Fayette, Litchfield, Major Manson, Marrs, McAllister, McConnell, McDonald, McDowell, Miller, Mudget, Nelson, Porter, Price, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Stanfield, Staton, Stover, Suit, Sumner, Sweet, Taggart, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—54.

So the amendment was not concurred in.

The question being put on concurring in the 4th amendment,

The ayes and noes were demanded by Messrs. McDowell and Gibson.

Those who voted in the affirmative were,

Messrs. Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cougill, Crim, Davis of Franklin, Donham, Doughty, Eccles, Foster, Geddes, Gookins, Goudy, Graham, Gunn, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holloway, Holman, Howell, Hudson, Huffstetter, Humphreys, Hunt, King, Laverty, Leviston, Lindsey of Fayette, Lichfield, Manson Marrs, Mayfield, McAllister, Miller, Price, Ray, Sale Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Struble, Stuart, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Wilson, Withers, and Mr. Speaker—67.

Those who voted in the negative were,

Messrs. Crawford, Cromwell, Dice, Donaldson, Douthit, Gibson, Hanna, Hart, Huey, Major, McConnell, McDowell, Nelson, Porter, Reynolds, Stover, Suit, and Williams—18.

So the amendment was concurred in.

The question being put, on concurring in the 5th amendment,

The ayes and noes being demanded by Messrs. Gibson and McDowell.

Those who voted in the affirmative were,

Messrs. Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Howell, Hudson, Huffstetter, Humphreys, Hunt, King, Laverty, Leviston, Lindsay of Fayette, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McConnell, Miller, Nelson, Price, Ray, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stevens, Stover, Struble, Stuart, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams and Mr. Speaker—78.

Those who voted in the negative were,

Messrs. Gibson, Huey, McDonald, McDowell, Porter, Stanfield, Suit, Wilson and Withers—9.

So the amendment was concurred in.

The question being put on concurring in the 6th amendment,
The ayes and noes were demanded by Messrs. Gibson and Suit.

Those who voted in the affirmative were,

Messrs. Beeson, Behm, Brady, Bryant, Bulla, Carpenter, Cowgill, Crim, Davis of Franklin, Donaldson, Donham, Doughty, Eccles, Foster, Geddes, Gookins, Goudy, Graham, Gunn, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Howell, Hudson, Humphreys, Hunt, King, Laverty, Lewis, Major, Marrs, Mayfield, McAllister, McConnell, Miller, Nelson, Price, Ray, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stevens, Struble, Stuart, Sweet, Taggart, Thompson, Torbet, Walker, and Watson—58.

Those who voted in the negative were,

Messrs. Beane, Buskirk, Chowning, Crawford, Cromwell, Dice, Dobson, Douthit, Gibson, Hanna, Hart, Huey, Leviston, Lindsey of Fayette, Litchfield, Manson, McDonald, McDowell, Porter, Reynolds, Stanfield, Stover, Suit, Sumner, Wells, Williams, Wilson, Withers, and Mr. Speaker—29.

So the amendment was concurred in.

The question being on concurring in the 7th amendment to section 74,

The ayes and noes were demanded by Messrs. Gibson and McDonald.

Those who voted in the affirmative were,

Messrs. Beeson, Behm, Brady, Bryant, Bulla, Chowning, Cowgill, Crim, Davis of Franklin, Dice, Donham, Doughty, Foster, Geddes, Gookins, Goudy, Graham, Gunn, Hay of Clark, Helmer, Henry, Hicks, Holladay, Holman, Howell, Hudson, Huffstetter, Humphreys, Hunt, King, Laverty, Lewis, Major, Marrs, Mayfield, McAllister, McConnell, Miller, Nelson, Price, Ray, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Struble, Stuart, Sweet, Taggart, Thompson, Torbet, and Walker—57.

Those who voted in the negative were,

Messrs. Beane, Buskirk, Crawford, Cromwell, Dobson, Donaldson, Douthit, Eccles, Gibson, Hanna, Hart, Huey, Leviston, Lindsey of Fayette, Litchfield, Manson, McDonald, McDowell, Porter, Reynolds, Stover, Suit, Sumner, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—29.

So the amendment was concurred in.

The question being put on concurring in the 8th amendment ;

It was agreed to.

The question being put on concurring in the 9th amendment ;

The ayes and noes were demanded by Messrs. Gibson and McDowell.

Those who voted in the affirmative were,

Messrs. Beane, Behm, Brady, Bryant, Bulla, Buskirk, Chowning, Cowgill, Crim, Davis of Franklin, Dice, Dobson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Howell, Hudson, Huffstetter, Humphreys, Hunt, King, Leviston, Lewis, Lindsey of Fayette, Major, Marrs, Mayfield, McAllister, McConnell, Mudget, Price, Ray, Reynolds, Sale, Schoonover, Smith of Marion, Smith of Spencer, Stevens, Stover, Struble, Stuart, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, Wilson, and Mr. Speaker—66.

Those who voted in the negative were,

Messrs. Crawford, Cromwell, Donaldson, Gibson, Huey, Laverty, Litchfield, Manson, McDonald, McDowell, Miller, Nelson, Porter, Scudder, Suit, Williams, and Withers—17.

So the amendment was agreed to.

The question being put on concurring in the 10th amendment,

The ayes and noes were demanded by Messrs. Gibson and McDowell.

Those who voted in the affirmative were,

Messrs. Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Chowning, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Dice, Dobson, Donham, Doughty, Douthit, Eccles, Foster, Gookins, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Howell, Hudson, Huffstetter, Humphreys,

Hunt, King, Laverty, Leviston, Lewis, Lindsey of Fayette, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McConnell, Mudget, Nelson, Price, Ray, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Struble, Stuart, Suit, Sumner, Taggart, Thompson, Torbet, Walker, Watson, Wells, Wilson, Withers, and Mr. Speaker—75.

Those who voted in the negative were,

Messrs. Donaldson, Gibson, Huey, McDonald, McDowell, Porter, Stover, and Williams—8.

So the amendment was concurred in.

The question being put on concurring in the 11th amendment,
The ayes and noes were demanded by Messrs. Gibson and McDowell.

Those who voted in the affirmative were,

Messrs. Beeson, Behm, Brady, Bryant, Buskirk, Carpenter, Cowgill, Crim, Cromwell, Davis of Franklin, Doughty, Eccles, Foster, Geddes, Gibson, Goudy, Graham, Gunn, Hay of Clark, Helmer, Hicks, Holladay, Holman, Hudson, Huffstetter, Humphreys, Hunt, King, Lindsey of Fayette, Marrs, Mayfield, McAllister, Miller, Ray, Sale, Schoonover, Shanklin, Stanfield, Stevens, Struble, Stuart, Sumner, Taggart, Wilson, and Mr. Speaker—45.

Those who voted in the negative were,

Messrs. Beane, Bulla, Chowning, Crawford, Dice, Dobson, Donaldson, Donham, Douthit, Gookins, Hanna, Hart, Hays of White, Henry, Howell, Huey, Leviston, Lewis, Litchfield, Major, Manson, McConnell, McDonald, McDowell, Mudget, Nelson, Porter, Price, Reynolds, Scudder, Smith of Marion, Smith of Spencer, Staton, Stover, Suit, Sweet, Thompson, Torbet, Walker, Watson, Wells, Williams, and Withers—43.

So the amendment was concurred in.

The question being put on concurring in the 12th, 13th, 14th and 15th amendments,

They were agreed to.

The question being on concurring in the 16th amendment to section 317,

Mr. Gibson moved to amend the original bill as follows:

In section 317, after the word "court," add the words "when requested by either party."

Which was agreed to.

The question then recurred on the adoption of the amendment of the committee; and being put,

It was disagreed to.

The 17th amendment of the committee was concurred in.

The question being on concurring in the 18th amendment to section 354,

Mr. Gibson moved to amend the bill by adding after the word "presented," the words, "which in another action would entitle the defendant to a judgment against the plaintiff."

Which was agreed to.

The question then recurred on the adoption of the amendment of the committee; and being put,

It was disagreed to.

The 19th amendment to section 610 was agreed to.

The question being, on concurring in the 20th amendment,

Mr. Stover moved to amend the amendment by striking out the word "Distillery,"

Which was disagreed to.

The question then being put on concurring in the amendment of the committee,

It was agreed to.

The question being on concurring in the 12st, 22d, 23d, and 24th amendments of the committee;

Mr. Hudson moved to lay the amendments on the table,

Which was disagreed to.

The question then recurred on the adoption of the amendments, and being put,

The ayes and noes were demanded by Messrs. Hudson and McDowell.

Those who voted in the affirmative were,

Messrs. Beane, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gockins, Graham, Gunn, Hart, Hay of Clark, Helmer, Hicks, Holladay, Holman, Howell, Huffstetter, Humphreys, Hunt, King, Leviston, Lewis, Lindsey of Fayette, Litchfield, Marrs, Mayfield, McAllister, McConnell, McDowell, Miller, Nelson, Porter, Ray, Sale, Schoonover, Scudder, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, and Withers—70.

Those who voted in the negative were,

Messrs. Beeson, Gibson, Hays of White, Henry, Hudson, Huey,

Manson, McDonald, Price, Reynolds, Shanklin, and Mr. Speaker—12.

So the amendments were concurred in.

Mr. Gookins moved to reconsider the vote just taken on the adoption of the amendments of the committee; and being put,

The ayes and noes were demanded by Messrs. Gookins and Hudson.

Those who voted in the affirmative were,

Messrs. Beeson, Behm, Brady, Bryant, Buskirk, Carpenter, Chowning, Cowgill, Crawford, Crim, Cromwell, Dobson, Donham, Doughty, Douthit, Geddes, Gookins, Goudy, Helmer, Henry, Hicks, Hudson, Hunt, King, Leviston, Lewis, Lindsey of Fayette, Major, Manson, Marrs, Mayfield, Miller, Mudget, Price, Sale, Scudder, Shanklin, Stanfield, Stover, Stuart, Thompson, Watson, and Mr. Speaker—43.

Those who voted in the negative were,

Messrs. Beane, Davis of Franklin, Dice, Donaldson, Eccles, Foster, Gibson, Graham, Gunn, Hanna, Hay of Clark, Holladay Holman, Howell, Huey, Huffstetter, Humphreys, McAllister, McDonald, McDowell, Nelson, Porter, Ray, Reynolds, Schoonover, Smith of Marion, Smith of Spencer, Staton, Struble, Suit, Sweet, Taggart, Torbet, Walker, Wells, Williams, Wilson, and Withers—38.

So the vote was reconsidered.

Mr. Gookins moved to lay the amendments on the table;

And the question being put,

The ayes and noes were demanded by Messrs. Gookins and Holman.

Those who voted in the affirmative were,

Messrs. Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Chowning, Cowgill, Cromwell, Dice, Donaldson, Donham, Doughty, Douthit, Geddes, Gookins, Goudy, Graham, Hanna, Hays of White, Helmer, Henry, Hicks, Holladay, Hudson, Huey, King, Laverty, Leviston, Lewis, Lindsey of Fayette, Manson, Marrs, Mayfield, Price, Sale, Scudder, Shanklin, Stanfield, Stover, Sumner, Thompson, Watson, and Mr. Speaker—44.

Those who voted in the negative were,

Messrs. Beane, Crawford, Davis of Franklin, Dobson, Eccles, Foster, Gibson, Gunn, Hay of Clark, Holman, Howell, Huffstetter, Humphreys, Hunt, Litchfield, Major, McAllister, McDonald, Mc-

Dowell, Miller, Nelson, Porter, Ray, Reynolds, Schoonover, Smith of Marion, Smith of Spencer, Staton, Stevens, Struble, Stuart, Suit, Sweet, Taggart, Walker, Wells, Williams, Wilson, and Withers—39.

So the amendments were laid on the table.

The 25th, 26th and 27th amendments of the committee were concurred in.

Mr. Gookins submitted the following amendments to the bill:

1. Amend as follows:

Page 62, after section 286—

SEC. —. The acts and proceedings of corporations may be proved by a sworn copy of the record of such acts and proceedings. The oath shall be made by the person having the legal custody of such records, and shall state that such transcript is a true and full copy of the original, and that said original has remained unaltered from its date to the best of deponent's knowledge and belief. Such sworn copies shall be received as evidence in all cases in which the original would be evidence.

2. Page 76. Sec. 353, 3d line, strike out "judgment" and insert "the finding of the court is announced."

3. Page 92. Sec. 435 in the 4th line after the word "assigns," wherever it occurs, and insert "within one year after such sale."

4. Page 93. After section 438, insert

SEC. —. Property conveyed by a debtor, with intent to hinder, delay or defraud creditors, shall be sold without appraisement.

5. Page 160. Sec. 763—add to the section as follows: "or by agreement of the parties entered of record."

6. Page 162. Sec. 774; strike out the third clause.

The amendments were considered separately.

The question being put on the adoption of the 1st, 2d, 3d, 4th, 5th and 6th amendments,

They were agreed to.

On motion by Mr. King,

The bill was amended by striking out the 270th section.

Mr. Hunt submitted the following amendment to the bill, viz:

Amend the 314th section by striking out all after the word "court" in the 4th specification.

Which was agreed to.

On motion by Mr. Gibson,

The 379th section of the bill was amended by striking out the words "and personal."

On motion by Mr. Brady,

The use of this Hall was tendered Professor Haynes this evening, and on to-morrow evening.

Mr. King submitted the following amendment to the bill.

In section 428, page 91, line 1, after the word "no" insert "real property;" and after "cash value thereof," insert "nor any per-

sonal property for less than two-thirds of the appraised cash value thereof."

Pending which,

On motion by Mr. Manson,

The House adjourned.

2 o'clock, P. M.

The House met.

The question pending at the last adjournment being on the adoption of Mr. King's amendment,

On motion by Mr. Buskirk,

The amendment was laid on the table.

On motion by Mr. Stuart,

The bill was laid on the table.

On motion by Mr. Gibson,

House bill No. 261—a bill regulating the appointment and removal of guardians for minors, prescribing their powers and duties, authorizing the sale of real estate of minors, requiring bond with security to be given by such guardians, and authorizing suits on the same—was taken from the table.

Mr. Holman submitted the following amendment to the bill:

Insert after section 14:

SEC. —. Such application shall set forth specifically—

First. The value and character of all personal estate belonging to such ward, that had come to the knowledge or possession of such guardian;

Second. The disposition made of such personal estate;

Third. The amount and condition of the ward's personal estate, if any, dependent upon the settlement of any estate or the execution of any trust;

Fourth. The annual value of the real estate of the ward;

Fifth. The amount of rent received, and the application thereof;

Sixth. The proposed manner of re-investing the proceeds of the sale, if asked for that purpose;

Seventh. Each item of indebtedness, or the amount and character of the lien, if the sale is prayed for the liquidation thereof;

Eighth. The age of the ward, where and with whom residing;

Ninth. All other facts connected with the estate and condition of the ward, necessary to enable the court to fully understand the same.

If there is no personal estate belonging to such ward in possession

or expectancy, and none has come into the hands of such guardian, and no rents have been received, the fact shall be stated in the application.

Which was agreed to.

The bill was then ordered to be engrossed.

On motion by Mr. Carpenter,

The following message from the Senate was taken up:

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House:

No. 177, a bill to provide for equalizing the appraisement for taxation of the real property in the State of Indiana;

With two engrossed amendments of the Senate thereto.

In which the concurrence of the House is respectfully requested.

The engrossed amendments of the Senate contained in the foregoing message were concurred in;

Ordered that the clerk inform the Senate thereof.

By unanimous consent of the House,

Mr. Torbet obtained leave and introduced No. 290, a bill concerning officers of municipal incorporations;

Which was read a first time and passed to a second reading.

By unanimous consent of the House,

Mr. Stanfield obtained leave and introduced No. 291, a bill to provide for the payment into the treasury, money received on deposit by the registers and receivers of the land offices of the United States in this State, for the entry of swamp lands, for the issue of certificates of purchase, and patents to the depositors of said money, and compensation of such registers and receivers for their services in such cases.

Which was read a first time and passed to a second reading.

On motion by Mr. Holman,

Senate bill No. 169, a bill to revise, simplify and abridge the code of practice.

Was taken from the table, and also the amendment of Mr. King.

The question pending being on the adoption of Mr. King's amendment and being put,

The ayes and noes were demanded by Messrs. King and Williams.

Those who voted in the affirmative were,

Messrs. Donham, King, Ray, and Stanfield—4.

Those who voted in the negative were,

Messrs. Beane, Beeson, Bryant, Buskirk, Chowning, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Dice, Dobson, Donaldson, Doughty, Douthit, Eccles, Foster, Geddes, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Helmer, Henry, Hicks, Holladay, Holman, Howell, Hudson, Huey, Huffstetter, Humphreys, Hunt, Lavery, Lewis, Lindsey of Fayette, Litchfield, Major, Marrs, McAllister, McDonald, McDowell, Miller, Mudgett, Nelson, Porter, Price, Reynolds, Sale Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson and Mr. Speaker—74.

So the amendment was disagreed to.

Mr. Smith of Marion moved to amend the bill as follows:

Amend section 453, page 95, by adding the following:

Provided, The return of the sheriff shows that the defendant has property, whereon to levy, or property levied upon, or at the request of the plaintiff.

Which was disagreed to.

On motion by Mr. Gookins,

The 166th section of the bill was amended by striking out the first sentence.

Mr. Gookins submitted the following amendment to the bill:

Page 37, after section 162, insert as follows:

SEC. —. The plaintiff shall not have judgment in any such action, except in some one of the following cases, viz:

First. When the defendant shall have been personally served with process; or,

Second. When property of the defendant shall have been attached in the county where the action has been brought; or,

Third. When a garnishee shall have been summoned in the county where the action is brought, who shall be found to be indebted to the defendant, or to have property or assets in his hands subject to the attachment.

Which was agreed to.

Mr. Foster submitted the following amendment to the bill:

SEC. —. Whenever, hereafter, any action may be commenced or pending in any circuit court, or court of common pleas, of this State, and the defendant or defendants, shall make and file his, her, or their affidavit, that he, she or they verily believe that such plaintiff or plaintiffs have no just cause of action, claim or demand against

said defendant or defendants, and that they have good reason to believe that said action has been instituted from a disposition to vex, harrass or oppress said defendants; and that they do not expect to be able to recover or realize from said plaintiff or plaintiffs, the costs that will or may be adjudged to them in said action, the court (as the case may be) before whom such action is brought, shall be authorized, in their discretion, to exact from such plaintiff or plaintiffs, security for costs.

The question being put on the adoption of the amendment,

The ayes and noes were demanded by Messrs. Foster and McDowell.

Those who voted in the affirmative were,

Messrs. Beane, Beeson, Carpenter, Crim, Dice, Dobson, Douthit, Foster, Geddes, Hanna, Hay of Clark, Henry, Lindsey of Fayette, Marrs, McAllister, McDowell, Porter, Price, Ray, Scudder, Smith of Marion, Struble, Sweet, Watson, Williams, Withers, and Mr. Speaker—27.

Those who voted in the negative were,

Messrs. Behm, Bryant, Buskirk, Chowning, Cowgill, Crawford, Cromwell, Davis of Franklin, Donaldson, Donham, Donnohue, Doughty, Eccles, Gookins, Goudy, Graham, Gunn, Helmer, Hicks, Holladay, Holman, Howell, Hudson, Huey, Huffstetter, Humphreys, Hunt, King, Lavery, Lewi, Litchfield, Major, Mayfield, McConnell, McDonald, Miller, Nelson, Reynolds, Sale, Schoonover, Shanklin, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Stuart, Suit, Taggart, Thompson, Torbet, Walker, and Wells—53.

So the amendment was disagreed to.

Mr. Hunt submitted the following amendment to the bill:

SEC. 420. Strike out all in line 7, after the word "time" and insert, "of the levy, and when such levy is made, the sheriff shall leave the notice thereof with the officers of the company; and such levy shall constitute a lien upon such stock from the time of such such levy."

Which was agreed to.

Mr. Hudson submitted the following amendment to the bill:

Page 89, section 420. Strike out in the 3d line from the word "shall" where it first occurs, to the word "transfer" in the 4th line. Also strike out the word "of" after the word "transfer" in the 4th line.

Which was agreed to.

Mr. Hunt submitted the following amendment to the bill:

Section 740. Amend by striking out section 740, and inserting the following:

When an attorney on request refuses to deliver over money, papers, or property, received by him in the course of his professional employment, to a person, entitled to receive the same, an action may be brought to recover the same by the party aggrieved.

Which was agreed to.

Mr. Hunt submitted the following amendment.

Section 741. In cases contemplated in the last preceding section the court may suspend the attorney from practice in any of the courts of this State for any length of time in its discretion; judgments may also be rendered for the amount of money withheld, deducting fees, and costs, and expenses paid or incurred by the attorney, and any set off the attorney may have against the claimant with ten per cent. damages, which may be enforced by execution, without the benefit of stay or appraisement laws, and returnable within thirty days, the court may also render any judgment, and make any order respecting papers or property withheld that may be necessary to enforce the right of the party aggrieved subject to any lien or claim the attorney may have thereon for fees or otherwise.

Which was agreed to.

The bill was then ordered to a third reading.

On motion by Mr. Torbet,

House bill No. 277, a bill to authorize the State Printer to print, bind and publish one thousand copies of the laws passed by the present General Assembly, in the German language;

Was taken from the table.

The question pending being on recommitting the bill with the instructions of Mr. Torbet,

Mr. Stover moved to amend the instructions as follows;

And that the printing of such laws shall be done in the city of Indianapolis.

Which was disagreed to.

The question then recurred on recommitting the bill, and being put,

The ayes and noes were demanded by Messrs. Behm and Smith of Marion.

Those who voted in the affirmative were,

Messrs. Beane, Beeson, Behm, Crawford, Davis of Franklin, Dice, Donnohue, Doughty, Douthit, Foster, Hanna, Hay of Clark, Henry, Hicks, Holman, Howell, Huey, Hunt, King, Leviston, Litchfield, Major, Marrs, McAllister, McConnell, McDonald, McDowell, Nelson, Price, Sale, Smith of Marion, Smith of Spencer, Stanfield, Stuart, Sumner, Sweet, Torbet, Watson, Williams and Wilson—40.

Those who voted in the negative were,

Messrs. Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Crim, Cromwell, Dobson, Donaldson, Donham; Eccles, Goudy, Graham, Geddes, Gunn, Helmer, Holladay, Huffstetter, Humphreys, Laverty, Lewis, Mayfield, Miller, Porter, Ray, Reynolds, Schoonover, Scodder, Shanklin, Staton, Stevens, Stover, Struble, Suit, Taggart, Thompson, Walker, Wells, Withers and Mr. Speaker—41.

So the bill was not recommitted.

By unanimous consent of the House;

On motion by Mr. Torbet,

The 2nd section of the bill was amended by striking out the words "provided, that not more than one copy shall be sold to any one person."

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Crawford, Cromwell, Davis of Franklin, Dice, Dobson, Donham, Donnohue, Doughty, Donthit, Foster, Graham, Gunn, Hanna, Hay of Clark, Helmer, Henry, Hicks, Holladay, Holman, Howell, Huey, Huffstetter, Humphreys, Hunt, King, Laverty, Lewis, Lindsey of Fayette, Litchfield, Major, Marrs, McAllister, McConnell, McDowell, Miller, Nelson, Porter, Reynolds, Sale, Scudder, Smith of Marion, Smith of Spencer, Stanfield, Stevens, Struble, Sumner, Sweet, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, and Mr. Speaker—64.

Those who voted in the negative were,

Messrs. Buskirk, Crim, Donaldson, Eccles, Geddes, Goudy, Mayfield, McDonald, Ray, Schoonover, Shanklin, Staton, Stover, and Suit—14.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

By unanimous consent of the House Mr. McConnell, made the following report:

MR. SPEAKER:

The committee of Free Conference, appointed to take into consideration the disagreement of the two Houses upon House amendment to Senate bill No. 139, have had the same under consideration

and have directed me to report that they recommend that the House recede from its amendment; and they ask to be discharged from the further consideration thereof.

Which report was concurred in.

The following message from the Senate was taken up.

A message from the Senate by Mr. Dunn, their secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House:

No. 195. "A bill dividing the State into counties, and defining their boundaries, and defining the jurisdiction of such as border on the Ohio and Wabash Rivers."

With the accompanying engrossed amendments of the Senate thereto.

In which the concurrence of the House is respectfully requested.

The amendments were considered separately.

The question being on concurring in the first amendment,

Mr. Gunn moved the House disagree to the 1st amendment of the Senate.

Which motion did not prevail.

The 1st amendment was then concurred in.

The question then being put on concurring in the 2nd and 3rd engrossed amendments of the Senate;

They were agreed to.

Ordered, that the clerk inform the Senate thereof.

Mr. Suit moved to reconsider the vote taken granting the use of this Hall to Dr. Haynes, this evening and to-morrow evening;

Which was disagreed to.

On motion by Mr. Stuart,

No. 170. A joint resolution authorizing the Secretary of State to publish and circulate "an act to provide for the incorporation of rail road companies;

Was taken from the files and considered.

The joint resolution was read a third time.

Mr. Suit moved to lay it on the table.

Which was disagreed to.

The question then being shall the joint resolution pass?

Those who voted in the affirmative were,

Messrs. Beane, Beeson, Behm, Brady Bryant, Buskirk, Carpenter, Chowning, Crawford, Crim, Cromwell, Davis of Franklin, Dice, Dobson, Donham, Douthit, Eccles, Gibson, Gookins, Goudy, Gunn, Hanna, Hay of Clark, Helmer, Henry, Hicks, Holladay, Hudson, Huey, Hunt, King, Lavery, Leviston, Lewis, Lindsey of Fayette, Litchfield, Marrs, Mayfield, McAllister, McConnell, McDonald, Miller, Nelson, Porter, Reynolds, Sale, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Stevens, Stuart, Sumner, Sweet, Taggart, Walker, Watson, Wells, Wilson, Withers and Mr. Speaker—63.

Those who voted in the negative were,

Messrs. Donnohue, Foster, Graham, Holman, Howell, Humphreys, Manson, McDowell, Price, Schoonever, Stover, Struble, Suit, and Williams—14.

So the joint resolution passed.

On motion by Mr. Stuart,

The title of the joint resolution was amended by adding "and a bill to authorize and regulate the business of general banking as also a bill to establish a court of common pleas.

Ordered, that the clerk inform the Senate of the passage of the joint resolution.

By unanimous consent of the House,

Mr. Gibson obtained leave and offered the following resolution:

Resolved, That the Judiciary committee be instructed to enquire and report to this House, whether the homestead exemption bill taken in connexion with the general repealing law will not leave debtors whose debts were contracted previous to the taking effect of the homestead law, subject to execution without any exemption, and if so to report a bill providing for the emergency.

Which was agreed to.

On motion by Mr. Donaldson,

House bill No. 285, a bill to provide for the election or appointment of supervisors of highways, &c.;

Was taken from the table and placed on the files of the House.

On motion by Mr. Shanklin,

House bill No. 267, a bill to provide for the opening, vacating and changing highways, &c.;

Was taken from the table and placed upon the files of the House.

By unanimous consent of the House,

Mr. Huey obtained leave and introduced

No. 292. A bill to repeal sections five and six of an act entitled "an act to establish a free turnpike road in Jay county," approved Jan. 13th, 1845; also to repeal so much of section 5 of an act entitled "an act to establish a free turnpike road," approved Feb. 12th, 1851, as applies to that portion of the above named roads lying in Jay county;

Which was read a first time and passed to a second reading.

No. 289. A bill regulating ware-houses and the keepers thereof, and for the protection of persons depositing produce, goods, wares, and merchandize therein.

Was read a second time and considered as in committee of the whole and reported to the House without amendment.

Mr. McDonald submitted the following amendment to the bill.

Amend as follows:

Strike out the 4th section and insert, "any commission merchant or ware-house keeper who shall violate any of the provisions of this act shall be deemed guilty of grand larceny and shall be prosecuted and punished as provided by law in other cases of Grand Larceny.

Which was agreed to.

On motion by Mr. McDonald,

The bill was referred to a select committee of eleven, viz: Messrs. McDonald, Nelson, Stuart, Behm, Hunt, Schoonover, Carpenter, McAllister, Hudson, King and Brady.

On motion by Mr. Porter,

House bill No. 278. A bill to extend the time for complying with the provisions of an act for the relief of persons therein named,

Was taken from the table and placed upon the files of the House.

Mr. Lavery from the joint committee on Enrolled bills, made the following report:

MR. SPEAKER:

The joint committee on Enrolled bills have this day presented to the Governor, for his approval, enrolled bills of the House numbered 242, 268, 265, 251, 221, 225, 228, 139, 249, 264, 238, 223, 237, 202, and 224.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has

passed the following engrossed bill of the House without amendment:

No. 155. An act regulating the taking up and impounding of animals.

On motion by Mr. Behm,
The House adjourned.

FRIDAY MORNING, 8 o'clock, }
May 28th, 1852. }

The House met.

The clerk proceeded to read the journal.

On motion by Mr. Reynolds,
The further reading thereof was dispensed with.

Mr. Leviston chairman of the committee on corporations made the following report:

MR. SPEAKER:

The committee on Corporations to whom was referred the petition of sundry citizens of the town of Wabash, in Wabash county, praying for the passage of an act legalizing a late election for trustees of said town and also a remonstrance on the same subject; have had that subject under consideration, and have directed me to report, that any special legislation on that subject would in the opinion of the committee be unconstitutional, and moreover that a bill is now before the legislature and will probably pass, making general provisions for the incorporation of towns, of which the citizens of the town of Wabash may avail themselves. The committee ask to be discharged from the further consideration of the subject.

Which report was concurred in.

Mr. Miller, chairman of the committee on swamp lands, made the following report:

MR. SPEAKER:

The committee on swamp lands to whom was referred the petition of certain citizens of German township, Marshall county, asking a grant of the State's swamp lands for the use of a school house and burying ground; have had the same under consideration, and have directed me to report that in the opinion of said committee, it is beyond the control of the Legislature to make any such diversion of any portion of said lands; and asked to be discharged from the further consideration of the subject;

Which was concurred in.

Mr. Gibson from a committee on Free Conference made the following report:

MR. SPEAKER:

The committee of Free Conference, to whom was referred House bill No. 199, with the engrossed amendment of the Senate to which the House had disagreed, and from which the Senate had refused to recede, have had the same under consideration, and have directed me to report that they recommend that the House recede from its disagreement and agree to said amendment;

Which report was concurred in.

Ordered, that the clerk inform the Senate thereof.

Mr. Smith of Marion, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of citizens of Mechanicsburg, Marion county, asking a change of the name of said town to that of "Clermont," have had that subject under consideration, and, inasmuch as a bill has already passed this House conferring upon county boards the power to change the name of towns; the committee have directed me to report that it is inexpedient to legislate on that subject.

Which report was concurred in.

Mr. Donham, from a select committee made the following report:

MR. SPEAKER:

The select committee to whom was referred the remonstrance

and accompanying resolutions of citizens of Harrison county, against the passage of the Maine law or any similar temperance law, have had that subject under consideration, and beg leave to submit the result of their deliberations. The committee fully appreciate many of the principles set forth in the resolutions, and while they would deem it a duty to enact such laws as would guard the public against the ravages of crime, and lead to the punishment of all offences against the rights of persons or against the peace and good order of society, they would be equally cautious in guarding against the enactment of a law that would infringe upon the natural and social rights of man—that would directly or indirectly control the conduct of freemen, as to their diet, beverage, or wearing apparel—that would recognize the principle of punishing a freeman before the commission of, or the intention to commit a crime. But, inasmuch as this House has already taken action upon the temperance question, and passed a bill, which is now pending in the Senate, the committee consider that it would be a waste of time to report a bill upon that subject, feeling confident as they do, that no other bill regulating or restricting the liquor traffic than the one already passed could receive the requisite number of votes in this House.

The attention of the committee has been directed to another matter embraced in the resolutions. It is that which reflects upon the course pursued in this House, by the honorable gentleman from Harrison. From the high character and liberal principles of the gentlemen composing the meeting which adopted the resolutions, and the names of citizens of other portions of the county appended thereto, the committee would not for a moment harbor the thought that there existed any intention to do injustice to any one, much less their own Representative.

Whatever may be the opinion of the committee in regard to the bill which has already passed, justice is due to its advocates as well as its opponents. Therefore, they would recommend the adoption of the following resolutions:

Resolved, That the Hon. Thos. S. Gunn of Harrison, has not, in the knowledge of the members of this House, at any time, advocated or voted for the Maine law, but, on the contrary, he recorded his vote against an imperative resolution instructing the committee on Temperance to report a bill similar to that law.

Resolved, That the Hon. Thos. S. Gunn has not advocated, or voted for any bill on the subject, except the bill reported by the committee on Temperance, and the bill as amended by the same committee, which bill has passed this House;

Which was concurred in, and the resolutions adopted.

Mr. Smith of Marion, chairman of the committee on Enrolled Bills made the following report:

MR. SPEAKER:

The committee on Enrolled Bills, have compared the following enrolled with the engrossed bills of the House of the corresponding numbers, and report the same to the House correctly enrolled.

No. 93. An act to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof in accordance with the conditions of said grant.

No. 157. An act for the relief of Samuel H. Patterson, and to reduce his rent as lessee of the Penitentiary.

No. 262. An act defining who are persons of unsound minds, and authorizing the appointment of guardians for such persons; defining the powers and duties of such guardians; declaring void the contracts of persons of unsound mind, and providing for their restraint when necessary.

No. 177. An act to provide for equalizing the appraisement for taxation of the real property of the State of Indiana.

No. 200. An act prescribing the powers and duties of justices of the peace in State prosecutions.

Whereupon the Speaker signed the same.

Ordered that the clerk inform the Senate thereof.

On motion by Mr. Williams,

House bill No. 276. A bill relative to the salaries of public officers, and providing the manner of paying the same,

Was taken from the table.

The question being, shall the bill pass?

Mr. Stover moved to recommit the bill to a select committee of three, with the following instructions:

To strike out "200" and insert "400," as the salary of the physician of the penitentiary.

Mr. Suit moved to amend the instructions as follows:

"State prosecutors four hundred dollars."

And the question being put on the adoption of the amendment,

The ayes and noes were demanded by Messrs. Suit and Hudson.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Behm, Bryant, Bulla, Buskirk, Chowning, Cowgill, Dice, Douthit, Geddes, Gookins, Hay of Clark, Hays of White, Henry, Hudson, Hunt, King, Laverty, Lewis, Lindsey of Fayette, Manson, Marrs, Mayfield, McAllister, Nelson, Scudder, Smith of Marion, Stanfield, Stevens, Stuart, Suit, and Sumner

Those who voted in the negative were,

Messrs. Brady, Carpenter, Crawford, Crim, Cromwell, Dobson, Donaldson, Donham, Donnohue, Doughty, Eccles, Foster, Gibson, Goudy, Graham, Gunn, Hanna, Hart, Helmer, Holladay, Holman, Howell, Huey, Huffstetter, Humphreys, Leviston, Litchfield, Major, McConnell, McDonald, McDowell, Porter, Price, Ray, Reynolds, Shanklin, Smith of Spencer, Staton, Stover, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—49.

So the amendment was not adopted.

Mr. Smith of Marion moved to amend the instructions as follows:

“Amend so as to allow the Adjutant General and Quartermaster General each 150 dollars per annum.

Which was disagreed to.

Mr. Gibson moved to amend the instructions by striking out 150, and inserting 300 dollars as salary for Chaplain of the penitentiary.

And the question being but on its adoption,

The ayes and noes were demanded by Messrs. Gibson and McDonald.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Brady, Bryant, Bulla, Buskirk, Crim, Davis of Franklin, Dice, Donaldson, Donnohue, Doughty, Douthit, Foster, Geddes, Gibson, Gookins, Goudy, Hanna, Hay of Clark, Hays of White, Helmer, Hunt, King, Laverty, Litchfield, Mayfield, McAllister, Miller, Nelson, Price, Reynolds, Scudder, Smith of Marion, Stanfield, Stevens, Stover, Stuart, Suit, Sumner, Thompson, Torbet, Walker, Watson, Williams, and Mr. Speaker—46.

Those who voted in the negative were,

Messrs. Beeson, Behm, Carpenter, Chowning, Crawford, Cromwell, Dobson, Donham, Eccles, Graham, Gunn, Hart, Henry, Holladay, Howell, Hudson, Huey, Huffstetter, Humphreys, Lindsey of Fayette, Major, Manson, Marrs, McConnell, McDonald, McDowell, Mudget, Ray, Shanklin, Smith of Spencer, Staton, Struble, Sweet, Taggart, Wells, Wilson and Withers—37.

So the amendment was agreed to.

Mr. Litchfield moved to amend the instructions as follows:

Amend by increasing the salaries of supreme judges and superintendent of public instruction to \$1250.

Mr. Suit moved the following amendment to the amendment:

Amend the bill so as to allow the judges of the supreme and circuit courts 1350 dollars each.

And the question being put on the adoption of the amendment to the amendment,

The ayes and noes were demanded by Messrs. Suit and Graham.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Behm, Brady, Bryant, Carpenter, Cowgill, Donaldson, Douthit, Geddes, Hays of White, Hunt, Lavery, McDowell, Price, Smith of Marion, Suit, Sumner, and Wilson—19.

Those who voted in the negative were,

Messrs. Beeson, Bulla, Buskirk, Chowning, Crawford, Crim, Cromwell, Davis of Franklin, Dice, Dobson, Donham, Doughty, Eccles, Foster, Gibson, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Helmer, Henry, Holladay, Howell, Hudson, Huey, Huffstetter, Humphreys, King, Leviston, Lindsey of Fayette, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McConnell, McDonald, Miller, Mudgett, Nelson, Ray, Reynolds, Scudder, Shanklin, Smith of Spencer, Staton, Stevens, Stover, Struble, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Withers and Mr. Speaker—62.

So it was disagreed to.

Mr. Davis of Franklin moved to amend the amendment as follows:

Insert in the proper place, "Agent of State 600 dollars."

And the question being put on its adoption,

The ayes and noes were demanded by Messrs. Davis of Franklin and Graham.

Those who voted in the affirmative were,

Messrs. Behm, Carpenter, Davis of Franklin, Donnohue, Doughty, Geddes, Goudy, Graham, Gunn, Holladay, Scudder, Sumner, and Thompson—13.

Those who voted in the negative were,

Messrs. Beach, Beane, Beeson, Brady, Bryant, Bulla, Buskirk, Chowning, Cowgill, Crawford, Crim, Cromwell, Dice, Dobson, Donaldson, Donham, Douthit, Foster, Gibson, Gookins, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Holman, Howell, Hudson, Huey, Huffstetter, Humphreys, Hunt, King, Lavery, Leviston, Lind-

sey of Fayette, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Mudget, Nelson, Price, Ray, Reynolds, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stevens, Stover, Struble, Suit, Sweet, Taggart, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—70.

So the amendment to the amendment was disagreed to.

Mr. Suit moved to amend the amendment as follows:

Insert in the proper place, "judges of the circuit court."

And the question being put on its adoption,

The ayes and noes were demanded by Messrs. Gibson and Suit.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Brady, Bryant, Cowgill, Donnohue, Douthit, Geddes, Gibson, Hays of White, Howell, Hunt, Lindsey of Fayette, McAllister, McDonald, McDowell, Price, Reynolds, Smith of Marion, Stover, Suit, Sumner, Thompson, Watson, and Wilson—25.

Those who voted in the negative were,

Messrs. Beeson, Behm, Bulla, Buskirk, Carpenter, Chowning, Crawford, Crim, Cromwell, Davis of Franklin, Dice, Dobson, Donham, Doughty, Eccles, Foster, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Helmer, Henry, Holladay, Holman, Hudson, Huey, Huffstetter, Humphreys, King, Leviston, Litchfield, Major, Manson, Marrs, McConnell, Miller, Mudget, Nelson, Ray, Sale, Scudder, Shanklin, Smith of Spencer, Stevens, Struble, Sweet, Taggart, Walker, Wells, Williams, and Mr. Speaker—53.

So it was disagreed to.

Mr. Beeson moved to amend the amendment as follows:

Strike out all that relates to Superintendent of Public Instruction.

Which was disagreed to.

On motion by Mr. Bulla,

Leave of absence was granted Mr. Morris, on account of sickness.

On motion by Mr. Holladay,

Leave of absence was granted Mr. Hicks, on account of sickness.

The question being put on the adoption of the amendment of Mr. Litchfield,

The ayes and noes were demanded by Messrs. Litchfield and Suit.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Brady, Bryant, Buskirk, Carpenter, Chown-

ing, Cowgill, Dice, Dobson, Donaldson, Donnohue, Douthit, Geddes, Hay of Clark, Hays of White, Helmer, Henry, Holladay, Holman, Howell, Hudson, Humphreys, Hunt, Laverty, Litchfield, Manson, Mayfield, McAllister, McConnell, McDowell, Mudget, Nelson, Price, Reynolds, Sale, Smith of Marion, Stevens, Stover, Struble, Sweet, Taggart, Torbet, Watson, and Mr. Speaker—45.

Those who voted in the negative were,

Messrs. Beeson, Behm, Crawford, Crim, Cromwell, Davis of Franklin, Donham, Doughty, Eccles, Foster, Gibson, Goudy, Graham, Gunn, Hanna, Hart, Huey, Leviston, Lindsey of Fayette, Major, Marrs, McDonald, Miller, Ray, Scudder, Shanklin, Smith of Spencer, Staton, Suit, Sumner, Thompson, Walker, Wells, Williams, Wilson, and Withers—36.

So the amendment was agreed to.

The question then recurred on recommitting the bill with the instructions of Mr. Stover, as amended,

And being put,

The ayes and noes were demanded by Messrs. Graham and Williams.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Brady, Bryant, Buskirk, Carpenter, Chowning, Cowgill, Dice, Dobson, Donaldson, Donnohue, Douthit, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Holladay, Holman, Howell, Hudson, Humphreys, Hunt, Laverty, Lindsey of Fayette, Litchfield, Manson, Mayfield, McAllister, McConnell, McDowell, Mudget, Nelson, Porter, Price, Sale, Smith of Marion, Stevens, Stover, Struble, Sweet, Taggart, Torbet, Watson, Williams, and Mr. Speaker—47.

Those who voted in the negative were,

Messrs. Beeson, Bulla, Behm, Crawford, Crim, Cromwell, Davis of Franklin, Donham, Doughty, Eccles, Foster, Geddes, Gibson, Goudy, Graham, Gunn, Hart, Huey, Leviston, Major, Marrs, McDonald, Miller, Ray, Reynolds, Scudder, Shanklin, Smith of Spencer, Stanfield, Staton, Suit, Sumner, Thompson, Walker, Wells, Wilson, and Withers—37.

So the bill was recommitted, and

Messrs. Stover, Buskirk and Stanfield were appointed said committee.

On motion by Mr. Gibson,

The vote taken on the passage of Senate joint resolution No. 170—a joint resolution authorizing the Secretary of State to publish and circulate an act to provide for the incorporation of railroad companies—on yesterday, was reconsidered.

On motion by Mr. Gibson,

The joint resolution was referred to a select committee of three, with the following instructions, viz:

To include the law of the present session, districting the State for Congressional purposes.

Also amend the 4th line of section 1st by inserting "road" after "rail."

Also, an act to regulate the sale of the swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof in accordance with the condition of said grant.

Also, amend the title of the bill accordingly.

Messrs. Gibson, McDowell and Behm were appointed said committee.

Mr. Huffstetter called up House bill No. 173—a bill to provide for the regulation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, appraisers, and county auditors and treasurers, &c.—which was lost some days since, there not being a constitutional vote given therefor.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Brady, Buskirk, Chowning, Crawford, Crim, Dice, Donaldson, Donham, Donnohue, Douthit, Eccles, Hanna, Hart, Hays of White, Henry, Holman, Howell, Huey, Huffstetter, Humphreys, Lavery, Major, McAllister, McConnell, McDonald, Porter, Ray, Reynolds, Smith of Marion, Smith of Spencer, Struble, Stuart, Sweet, Taggart, Wells, Williams, Wilson, Withers, and Mr. Speaker—41.

Those who voted in the negative were,

Messrs. Beeson, Behm, Bryant, Carpenter, Cowgill, Cromwell, Davis of Franklin, Doughty, Foster, Geddes, Goudy, Graham, Gunn, Hay of Clark, Helmer, Holladay, Hudson, Hunt, King, Leviston, Lindsey of Fayette, Litchfield, Manson, Marrs, Mayfield, McDowell, Miller, Nelson, Sale, Scudder, Shanklin, Stanfield, Staton, Stevens, Stover, Suit, Sumner, Thompson, Walker, and Watson—40.

So the bill did not pass.

Mr. Stover, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred House bill No. 276, a bill relative to the salaries of public officers, and providing the manner of paying the same, have amended the same as instructed, and report the same back and recommend its passage.

Which report was concurred in.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Brady, Bryant, Chowning, Cowgill, Dice, Dobson, Donaldson, Donham, Donnohue, Douthit, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Holman, Howell, Humphreys, Hunt, Lavery, Litchfield, Manson, McAllister, McConnell, McDowell, Nelson, Porter, Price, Ray, Sale, Smith of Marion, Stevens, Stover, Struble, Sweet, Taggart, Torbet, Watson, Wells, Williams, and Mr. Speaker—43.

Those who voted in the negative were,

Messrs. Beeson, Behm, Bulla, Buskirk, Carpenter, Crawford, Crim, Cromwell, Davis of Franklin, Doughty, Eccles, Foster, Geddes, Gibson, Goudy, Graham, Gunn, Hart, Holladay, Hudson, Huey, Huffstetter, King, Leviston, Lindsey of Fayette, Major, Marrs, Mayfield, McDonald, Miller, Reynolds, Scudder, Shanklin, Smith of Spencer, Stanfield, Staton, Suit, Sumner, Thompson, Walker, Wilson, and Withers—42.

So the bill did not pass, there not being a constitutional vote given therefor.

Mr. Gibson, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was recommitted joint resolution No. 170, have amended the same according to the instructions of the House, and report the same back and recommend its passage.

Which report was concurred in.

The question then being, shall the joint resolution pass?

Those who voted in the affirmative were,

Messrs. Beach, Beeson, Behm, Bryant, Bulla, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Dice, Donaldson, Donham, Donnohue, Doughty, Douthit, Eccles, Geddes, Goudy, Graham, Gunn, Hanna, Hays of White, Helmer, Holladay, Huey, Huffstetter, Humphreys, Hunt, King, Laverty, Leviston, Lindsey of Fayette, Litchfield, Major, Manson, Mayfield, McAllister, McConnell, McDonald, Miller, Nelson, Porter, Ray, Sale, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Struble, Suit, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—63.

Those who voted in the negative were,

Messrs. Buskirk, Davis of Franklin, Foster, Hay of Clark, Henry, Holman, Lindsay of Howard, Marrs, McDowell, Reynolds, Stanfield, Staton, Stover, and Torbet—14.

So the joint resolution passed.

Ordered that the clerk inform the Senate thereof.

ORDERS OF THE DAY.

House bill No. 281. A bill extending the admissibility of records in evidence;

Was read a third time.

And the question being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Carpenter, Chowning, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Dice, Dobson, Donnohue, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Goudy, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Holladay, Holman, Howell, Hudson, Huey, Hunt, King, Laverty, Leviston, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Marrs, Mayfield, McConnell, McDonald, McDowell, Morris, Nelson, Porter, Price, Ray, Reynolds, Sale, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stover, Struble, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—79.

Those who voted in the negative were,

Messrs. Buskirk, Huffstetter, and Humphreys—3.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

Mr. English in pursuance of previous notice, obtained leave and introduced

No. 293. A bill in relation to the assessment and taxation of the stock in road, canal, slackwater navigation, telegraph and bridge companies;

Which was read a first time and passed to a second reading.

On motion by Mr. Holman,

Senate bill No. 169—a bill to revise and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity—was taken from the files, and considered.

The bill being on its third reading, was partly read; when,

On motion by Mr. Shanklin,

The House adjourned.

2 o'clock, P. M.

The House met:

ORDERS OF THE DAY RESUMED.

Senate bill No. 169 was read a third time.

On motion by Mr. Suit,

A call of the House was ordered:

The clerk proceeded to the call, when the following members answered to their names:

Messrs. Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Dice, Dobson, Donaldson, Donham, Donnohue, Doughty, Douthit, Eccles,

Foster, Geddes, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Helmer, Henry, Holladay, Holman, Howell, Huey, Huffstetter, Humphreys, Hunt, King, Leviston, Lindsey of Fayette, Linsday of Howard, Litchfield, Marrs, Mayfield, McConnell, McDonald, McDowell, Miller, Mudgett, Nelson, Porter, Price, Ray, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker.

On motion by Mr. Nelson,
The further call of the House was suspended.
The question being shall the bill, Senate No. 169, pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Brady, Bulla, Buskirk, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Dice, Dobson, Donaldson, Donham, Donnohue, Doughty, Douthit, Eccles, Foster, Geddes, Gookins, Gunn, Hanna, Hart, Hay of Clark, Helmer, Henry, Holladay, Holman, Howell, Huey, Huffstetter, Humphreys, Hunt, King, Leviston, Lewis, Lindsey of Fayette, Linsday of Howard, Litchfield, Manson, Marrs, Mayfield, McConnell, Miller, Mudgett, Nelson, Porter, Price, Ray, Reynolds, Sale, Schoonover, Scudder, Smith of Marion, Smith of Spencer, Staton, Stover, Struble, Stuart, Sumner, Sweet, Taggart, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—72.

Those who voted in the negative were,

Messrs. Behm, Bryant, Goudy, Graham, McDonald, Shanklin, Stanfield, Suit, and Thompson—9.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

On motion by Mr. Foster,
Leave of absence was granted Mr. McAllister.
By unanimous consent of the House,
Mr. Torbet obtained leave and introduced

No. 294. A bill in relation to the printing, and the distribution of the Revised Statutes, and the Codes of Civil and Criminal Practice.

Which was read a first time and passed to a second reading.

On motion by Mr. McConnell,

Mr Stanfield was added to the select committee on districting the State into judicial circuits.

By unanimous consent of the House,

Mr. Smith of Marion obtained leave and introduced

No. 295. A bill fixing temporarily the compensation of Judges of the circuit courts.

Which was read the first time and passed to a second reading.

On motion by Mr. Stuart,

Leave of absence was granted Mr. Lewis on account of the sickness of his family.

On motion by Mr. Foster,

The following message from the Senate was taken up.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following resolution:

Resolved, That the House of Representatives be requested to return to the Senate the last message of the Senate concurring in the engrossed amendment of the House, to engrossed bill of the Senate, No. 123, an act providing for an organization of circuit courts, the election of Judges thereof, and defining their powers and duties. In which the concurrence of the House is respectfully requested.

On motion by Mr. Buskirk,

The message was laid on the table.

A message from the Senate by Mr. Dunn, their secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate recedes from its amendment to engrossed bill of the House, No. 257, entitled an act in relation to county auditors.

On motion by Mr. Smith of Spencer,

House bill No. 183. A bill relative to the acknowledgment and recording of deeds heretofore made and recorded,

Was taken from the table.

Mr. Beeson moved that the House adjourn.

Which was disagreed to.

On motion by Mr. Stanfield,

The bill was laid on the table.

On motion by Mr. Manson,

The House adjourned.

SATURDAY MORNING, 8 o'clock, }
 May 29, 1852. }

The House met

The journal of the preceding day was read.

MEMORIALS PRESENTED.

By Mr. Watson :

The memorial of sundry citizens of Hendricks and Marion county, on the subject of Temperance ;

Which,

On motion,

Was referred to the committee on Temperance.

On motion,

Leave was granted Mr. Stover to change his vote from the affirmative to the negative on the passage of House bill No. 173.

Mr. Holman, from a select committee, made the following report :

MR. SPEAKER :

The select committee to which was referred Senate bill No. 174, entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in courts of this State," have had the same under consideration, and have directed me to report the same back with the following amendments, and as amended, a majority of the committee recommend its passage.

First. SEC. 70. Insert the section as in the original report.

Second. Strike out the two blank sections after section 79, and insert sections 80, 81, 82, 83 and 84, as in the original report.

Third. Section 108, page 20, after the word "attorneys," in the fourth clause, insert the words "may follow and the prosecuting attorney."

Fourth. SEC. 134. After the word "fine," in the first line, insert the words "and costs," and correct the second line.

Fifth. SEC. 136. After the word "fine," in the first and third line, insert the words "and costs."

Sixth. Strike out the word "summons," and insert "subpœna," in sections 92 and 93, and wherever else it may occur, as applied to the calling of witnesses.

The amendments were considered separately.

The question being put on concurring in the 1st amendment, It was agreed to.

The question being on concurring in the 2d amendment,
Mr. Torbet moved to amend the — section of the bill in the 3d line by striking out the word “shall” and insert the words “may in its discretion.”

Mr. Hudson moved to postpone the further consideration of the subject until Tuesday next at 2 o'clock, P. M.

Which was disagreed to.

Mr. Beach moved to amend Mr. Torbet's amendment as follows:

Amend so that when the affidavit is founded on prejudice other than against the judge, the court shall have a discretion to grant the change or continue the cause to the next term, as he may think proper.

Mr. Stover moved to postpone the further consideration of the subject until to-day at 2 o'clock.

Which was disagreed to.

Mr. Beach then withdrew his amendment.

The question then recurred on the adoption of Mr. Torbet's amendment,

And being put,

It was agreed to.

Mr. Holman moved to lay the 2d amendment on the table;

And the question being put,

The ayes and noes were demanded by Messrs. Stuart and Miller.

Those who voted in the affirmative were,

Messrs. Beach, Beeson, Bryant, Bulla, Carpenter, Chowning, Cowgill, Crim, Cromwell, Davis of Franklin, Dice, Donaldson, Donham, Donnohue, Doughty, Foster, Gibson, Gookins, Graham, Gunn, Hanna, Hart, Hay of Clark, Holladay, Holman, Huey, Hunt, King, Laverty, Leviston, Lindsey of Fayette, Litchfield, Marrs, Mayfield, McDonald, Price, Ray, Reynolds, Sale, Spencer, Stanfield, Staton, Suit, Sumner, Torbet, Walker, Watson, Wells, Wilson, and Mr. Speaker—50.

Those who voted in the negative were,

Messrs. Behm, Brady, Buskirk, Crawford, Dobson, Douthit, Eccles, Geddes, Hays of White, Helmer, Henry, Howell, Huffstetter, Lindsay of Howard, Manson, McDowell, Miller, Mudgett, Nelson, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stover, Struble, Stuart, Taggart, Williams, and Wilson—29.

So the second amendment was laid on the table.

The question being put on concurring in the 3d, 4th, 5th, and 6th amendments of the committee;

They were agreed to.

Mr. King moved to amend the bill as follows, viz :

Strike out of section 78 the words "to the prejudice of the judge or;" and strike out section 79;

And the question being put,

The ayes and noes were demanded by Messrs. King and Holman.

Those who voted in the affirmative were,

Messrs. Beane, Carpenter, Cowgill, Dobson, Gookins, Goudy, Gunn, Hart, Helmer, Henry, Hudson, King, Lindsay of Howard, Mayfield, Miller, Nelson, Shanklin, Smith of Spencer, Staton, Struble, Stuart, Walker, and Watson—23.

Those who voted in the negative were,

Messrs. Beach, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Chowning, Crawford, Crim, Cromwell, Dice, Donaldson, Donham, Donnohue, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Holladay, Holman, Howell, Huey, Huffstetter, Humphreys, Hunt, Laverty, Leviston, Lindsey of Fayette, Litchfield, Manson, Marrs, McConnell, McDonald, McDowell, Mudget, Price, Ray, Reynolds, Sale, Schoonover, Scudder, Smith of Marion, Spencer, Stanfield, Stover, Suit, Sumner, Sweet, Taggart, Torbet, Wells, Williams, Wilson, and Mr. Speaker—61.

So the amendment was disagreed to.

Mr. Gibson moved to amend the bill as follows:

Add the following — section :

The provisions of this act as to changes of venue shall extend to cases where the offence was committed after the taking effect of the same; in all offences committed before the taking effect of this act, laws existing at the time of the commission of the offence shall govern in deciding upon applications for changes of venue.

Which was agreed to.

Mr. King submitted the following amendment to the bill:

When the affidavit is founded upon excitement or prejudice against the defendant in the county,

SEC. —. Such affidavit must be corroborated by the affidavit of any other disinterested person, and the court may hear evidence of the truth of the affidavit, and may at its discretion, grant a change of venue.

SEC. —. If the court grant a change of venue in such cases, such change shall be to the most convenient adjoining county, the clerk must thereupon make a transcript of the proceedings, and order of the court, and having sealed up the same with the original papers, deliver them to the sheriff, who must without delay, deposit them in

the clerk's office of the proper county, and make his return accordingly.

Sec. —. The jurisdiction of the latter court is complete, and the cause must be docketed, and stand for trial at the first term.

Which was disagreed to.

Mr. Holman submitted the following amendment: at the end of section 79, add,

But when the application is made on the ground of the prejudice of the judge, and there be no other judge competent by law to try the cause at the term of the court at which the application is made, a change of venue shall be granted to the most convenient county of an adjoining circuit.

Which was agreed to.

Mr. Smith of Marion moved to amend the bill as follows:

Sec. —. The provisions of this act shall be liberally construed, and shall not be limited to any rules of strict construction.

Which was disagreed to.

Mr. Gibson moved to amend the bill by inserting in the third line of the first section, the words "or prejudice of the judge," after the word "county."

And the question being put,

The ayes and noes were demanded by Messrs. Gibson and Reynolds.

Those who voted in the affirmative were,

Messrs. Beane, Brady, Buskirk, Cowgill, Dobson, Donham, Douthit, Gibson, Goudy, Gunn, Hay of Clark, Helmer, Henry, Huffstetter, Humphreys, Hunt, Laverty, Leviston, Lindsey of Fayette, Lindsay of Howard, Litchfield, Manson, Marrs, Mayfield, Miller, Nelson, Price, Reynolds, Schoonover, Shanklin, Smith of Spencer, Stover, Struble, Sumner, and Sweet—35.

Those who voted in the negative were,

Messrs. Beeson, Chowning, Crim, Cromwell, Dice, Donnohue, Doughty, Eccles, Foster, Geddes, Gookins, Graham, Hanna, Hart, Hays of White, Holladay, Holman, Howell, Hudson, Huey, McConnell, McDonald, McDowell, Mudget, Ray, Sale, Smith of Marion, Spencer, Stuart, Taggart, Torbet, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—37.

So the amendment was disagreed to.

Mr. Stover moved to amend the bill as follows:

Strike out the blank sections after section 79 and insert:

Sec. 80. When the affidavit is founded upon excitement or prejudice against the defendant, he must specify therein whether the

cause of the objection extend to all parts of the county, and if not, to what parts thereof, and whether the same cause extends to other counties, and to what part thereof; and the court must thereupon order the sheriff to summon a jury from such part of the county, or the most convenient parts of one or more adjoining counties not objected to in the affidavit. The sheriff must summon a number sufficient to form a full jury after the challenges are exhausted.

SEC. 81. In summoning such jury, the sheriff must select competent and disinterested persons who have not formed or expressed an opinion of the guilt or innocence of the defendant. Such jury must be empaneled at the same or the next term, as the court may direct. The application to the court shall not be made after the second day of the term in any case where the defendant has been arrested, or bound over to answer at any time before the first day of the term.

SEC. 82. A jury can be summoned out of the county, only in cases of felony.

SEC. 83. When the sheriff summons a jury under the provisions of this chapter, he must notify each juror not to converse with any one, or allow any other person to converse in his presence, about the cause he is summoned to try, or any fact connected therewith.

SEC. 84. When the jurors are summoned from another county, the defendant is allowed only half the number of peremptory challenges which are allowed when the jury are summoned in the county in such cases; and the State is allowed only three peremptory challenges. If any person converse about the case or any fact connected therewith, in the presence of a juror, he shall request him to desist. If he do not desist, the juror shall report him to the court. Any violation of the provisions of this section by any juror, officer or other person, shall be punished as a contempt.

Those who voted in the affirmative were,

Messrs. Beeson, Bulla, Chowning, Cowgill, Crim, Dice, Foster, Geddes, Gookins, Goudy, Graham, Gunn, Hanna, Holman, Howell, King, Leviston, Lindsey of Fayette, Litchfield, Mayfield, McDonald, Ray, Reynolds, Spencer, Stanfield, Torbet, Watson, Wells, Wilson, Withers and Mr. Speaker—31.

Those who voted in the negative were,

Messrs. Beach, Beane, Brady, Buskirk, Crawford, Cromwell, Davis of Franklin, Dobson, Donnohue, Doughty, Douthit, Eccles, Gibson, Hart, Helmer, Henry, Holladay, Hudson, Huey, Huffstetter, Humphreys, Hunt, Laverty, Lindsay of Howard, Manson, Marrs, McDowell, Miller, Nelson, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stover, Struble, Stuart, Sumner, Sweet, Taggart, Walker, and Williams—42.

So the amendment was not laid on the table.

The question then being put on the adoption of Mr. Stover's amendment,

The ayes and noes were demanded by Messrs. Holman and Williams.

Those who voted in the affirmative were,

Messrs. Beane, Brady, Bulla, Buskirk, Chowning, Crim, Cromwell, Dice, Dobson, Donham, Donnohue, Doughty, Douthit, Geddes, Gibson, Gunn, Hart, Hays of White, Helmer, Henry, Howell, Hudson, Huey, Huffstetter, Humphreys, Laverty, Lindsey of Fayette, Lindsay of Howard, Manson, McDowell, Miller, Mudget, Nelson, Price, Ray, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stover, Struble, Stuart, Sumner, Sweet, Taggart, Walker, Williams and Wilson—48.

Those who voted in the negative were,

Messrs. Beach, Beeson, Crawford, Davis of Franklin, Eccles, Foster, Gookins, Goudy, Graham, Hanna, Holladay, Holman, Hunt, King, Leviston, Marrs, Mayfield, McDonald, Reynolds, Scudder, Spencer, Torbet, Watson, Wells, Withers and Mr. Speaker—26.

So the amendment was agreed to.

Mr. Gibson moved to amend the bill by striking out section 110.

And the question being put,

The ayes and noes were demanded by Messrs. Gibson and Smith of Spencer.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Brady, Bulla, Cowgill, Douthit, Foster, Gibson, Goudy, Graham, Henry, Howell, Hudson, Huffstetter, Humphreys, Hunt, Laverty, Lindsay of Howard, Manson, Miller, Nelson, Spencer, Stanfield, Stover, Struble, Sweet, and Watson—27.

Those who voted in the negative were,

Messrs. Beeson, Buskirk, Chowning, Crawford, Crim, Cromwell, Dice, Donaldson, Donham, Donnohue, Doughty, Eccles, Geddes, Gookins, Gunn, Hanna, Hart, Helmer, Holladay Holman, King, Lawrence, Lindsey of Fayette, Litchfield, Marrs, Mayfield, McAllister, McConnell, McDonald, Price, Ray, Reynolds, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Taggart, Torbet, Walker, Wells, Williams, Wilson, Withers and Mr. Speaker—45.

So the motion did not prevail.

The amendments were then ordered to be engrossed, and the bill ordered to a third reading.

Mr. Gookins from a select committee made the following report:

MR. SPEAKER :

The select committee to whom was referred bill of the House No. 284, a bill to authorize the township trustees to construct levees and assess a tax therefor, have performed the duty assigned them; and have directed me to submit the following report, viz:

Strike out the bill from the enacting clause, and insert the following:

SEC. 1. That any number of persons, not less than ten, who may be interested in constructing any levee or drain, may associate themselves together and adopt and subscribe articles which shall specify the name and objects of the association.

SEC. 2. Three or more members of the association may give notice that at a time to be specified and at a convenient place near the contemplated work, an election will be held for the purpose of choosing directors for the company; the notice shall be posted up in at least five public places in the vicinity of the contemplated work for twenty days previous to the election.

SEC. 3. At the day appointed, a majority of the members of the association having met, shall appoint two judges and a clerk of the election from their number, who shall be sworn to the faithful discharge of their duties, and the members shall thereupon proceed to elect three of their number directors of the company.

SEC. 4. The company shall cause their articles of association to be recorded in the recorder's office of the county or counties in which the contemplated work is situated, and thereafter such association shall be a body politic and corporate by the name and style so adopted, with all the rights, incidents and liabilities of bodies corporate, and other persons interested in the work may, from time to time, become members of the association by signing the articles, and the existence of such a corporation shall be judicially taken notice of in the courts of the county or counties in which the articles are so recorded, without specially pleading the same.

SEC. 5. The company shall keep a journal of their proceedings, in which shall be entered the oaths of the judges and clerk of the election, and the votes given for directors, and all orders of the board of directors which may be made from time to time. A majority of the directors shall form a quorum for the transaction of business.

SEC. 6. The board of directors shall appoint a clerk, who may be one of their number, and a treasurer, who shall not be one of their number, and they shall require of him a bond with sufficient

penalty and sureties payable to the association by its corporate name, conditioned for the faithful discharge of his duties, and the safe keeping and prompt payment, according to the order of the board of directors, of all moneys that may come into his hands; the directors, clerk and treasurer shall each take an oath for the faithful discharge of their respective duties, which shall be entered upon the journal.

SEC. 8. The directors, clerk and treasurer shall continue in office for one year, and until their successors are chosen and qualified.

SEC. 9. No money shall be drawn from the treasury except upon the order of the board of directors.

SEC. 10. The treasurer shall, each year, before the expiration of his term, and as much oftener as the board of directors may require, present his vouchers and settle with the board.

SEC. 11. The board is empowered to employ an engineer, and by themselves, their engineers and agents, to enter upon such lands as may be necessary to make a survey and estimates of the cost of construction of the proposed work, or of such repairs as may, from time to time, be necessary to its protection and preservation.

SEC. 12. If the board of directors shall determine to construct any levee or drain, they shall appoint three appraisers, not members of the association, nor interested in the proposed work, nor in any land to be affected thereby, who shall examine all the land liable to be in any way affected by the proposed work, and shall make out a list of the same, and shall assess the amount of benefit or injury to each tract of land, and shall make out a schedule thereof with their assessments aforesaid and shall append thereto their affidavit that the same is in all respects a true assessment to the best of their judgment and belief, which shall be filed with the clerk of the board, who shall cause the same to be recorded in the recorder's office of the county in which the lands lie; and from the time of such recording said assessment shall be a lien upon said land for the amount of the assessment.

SEC. 13. The owners of such land shall if being in the county, have notice of the time of making said assessments, and may attend before the appraisers, and shall have a right to be heard on the subject of the proposed assessment.

SEC. 14. The notice shall be given personally by the clerk, if the owner is in the county; otherwise it shall be given by the publication of a notice addressed to all whom it may concern, for three weeks successively in a newspaper of general circulation most convenient to the proposed work, giving notice of the time the assessment will be made.

SEC. 15. The board of directors may order the payment of the assessments in such time and manner as they shall deem proper, for the construction or repair of the work, which shall be paid to the treasurer on demand, which may be made personally or by leaving a notice thereof at the residence of the owner, if he resides in the

county. If the owner does not reside in the county, no demand shall be necessary.

SEC. 16. If payment of the assessment be not made the lien may be enforced by an action in the name of the association against the owner, in the circuit court or court of common pleas of the county in which the land or a part of it lies.

SEC. 17. In any such action, the defendant may if not a member of the association, deny that the work is of public utility or that he is or will be benefitted thereby, the amount of the assessment, or any part of it; and he may insist, whether a member or not, upon any other defence to show that he ought not to pay the assessment, or any part of it.

SEC. 18. If the association shall seek to appropriate any lands, timber, stone, gravel, or other materials for the construction or maintainance of any such work, they shall proceed in the manner required by law for the assessment of like damages, in case of the construction of railroads, canals, and other similar works.

SEC. 19. If the appraisers shall find that any party is injured by the construction of such work, the amount of the injury shall be assessed by the appraisers, which shall be paid by the company, and may be enforced by an action as in other cases.

The amendment was concurred in.

The bill was then ordered to be engrossed.

By unanimous consent of the House,

Mr. Spencer obtained leave and introduced

No. 296. A bill to provide for filling vacancies in boards of county commissioners until the taking effect of the general law upon this subject.

Which was read a first time.

Mr. Spencer moved to suspend the rule and read the bill a second time now by its title.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Brady, Bryant, Bulla, Buskirk, Chowning, Cowgill, Crim, Dice, Dobson, Donnohue, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Helmer, Henry, Holman, Huey, Hunt, Lavery, Leviston, Lindsey of Fayette, Litchfield, Manson, Marrs, Mayfield, McConnell, McDowell, Miller, Mudgett, Nelson, Price, Reynolds, Sale, Schoonover, Scudder, Smith of Marion, Smith of Spencer, Spencer, Stover, Stuart, Sweet, Taggart, Torbet, Walker, Watson, Wells, Williams, Wilson, and Mr. Speaker—62.

Those who voted in the negative were,

Messrs. Crawford, Holladay, King, McDonald, Ray, Stanfield, and Withers—7.

So the rule was suspended, and the bill read a second time by its title.

Mr. Spencer moved to suspend the rule and read the bill a third time now.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Brady, Bryant, Bulla, Buskirk, Chowning, Cowgill, Crawford, Crim, Dice, Dobson, Donaldson, Donham, Donnohue, Doughty, Douthit, Eccles, Foster, Geddes, Gookins, Graham, Gunn, Hanna, Hart, Henry, Holman, Huey, Huffstetter, Humphreys, Hunt, Laverty, Leviston, Lindsey of Fayette, Manson, Marrs, Mayfield, McConnell, McDowell, Miller, Mudget, Nelson, Price, Reynolds, Sale, Schoonover, Scudder, Smith of Marion, Smith of Spencer, Spencer, Stover, Stuart, Sweet, Taggart, Torbet, Walker, Wells, Williams, Wilson, Withers, and Mr. Speaker—62.

Those who voted in the negative were,

Messrs. Holladay, King, Litchfield, McDonald, Ray, Stanfield, and Watson—7.

So the rule was suspended and the bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Brady, Bryant, Buskirk, Chowning, Cowgill, Crawford, Crim, Dice, Dobson, Donaldson, Donham, Donnohue, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Goudy, Graham, Gunn, Hanna, Hart, Helmer, Henry, Holman, Howell, Hudson, Huey, Huffstetter, Humphreys, Hunt, King, Laverty, Lindsey of Fayette, Lindsay of Howard, Litchfield, Manson, Marrs, Mayfield, McConnell, McDowell, Miller, Nelson, Price, Ray, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Stover, Stuart, Sweet, Taggart, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—70.

Mr. Holladay voted in the negative.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

Mr. Stover from a select committee made the following report:

MR. SPEAKER:

The committee on Free Conference, to whom was referred the disagreement between, the two houses, on the first amendment of the House to Senate bill No. 152, "a bill prescribing certain misdemeanors punishable only by a justice of the peace;" have conferred together, and agreed that the House recede from its amendment, and recommend that the House concur in said agreement;

Which was concurred in.

Ordered that the Clerk inform the Senate thereof.

RESOLUTIONS OF THE HOUSE.

The House resumed the further consideration of a resolution fixing the time of an adjournment *sine die* of the House, postponed until this day on Saturday last.

The question being on the adoption of Mr. Manson's amendment to the amendment proposing the 24th inst. as the time for adjournment,

Mr. Manson withdrew his amendment.

Mr. King moved to amend the amendment as follows:

That this House adjourn *sine die*, whenever it properly completes its business; if business requires no further session, then the House will adjourn on that day, and if business do require further attention, then it will not adjourn on that day, but at the earliest practicable period thereafter.

On motion by Mr. Huffstetter,

The amendment to the amendment was laid on the table.

Mr. Stanfield moved to amend the amendment by striking out the 10th and insert the 15th of June.

Which was agreed to.

Mr. Gibson moved to lay the whole subject on the table;

And the question being put,

The ayes and noes were demanded by Messrs. Gibson and Graham.

Those who voted in the affirmative were,

Messrs. Beach, Brady, Gibson, Goudy, Hudson, Laverty, Smith of Marion, Stover, Sweet, Torbet, Wells, and Williams—12.

Those who voted in the negative were,

Messrs. Beane, Beeson, Bulla, Buskirk, Chowning, Cowgill, Crawford, Crim, Dice, Dobson, Donaldson, Donham, Donnohue, Doughty, Douthit, Eccles, Foster, Geddes, Gookins, Graham, Gunn, Hanna, Hart, Helmer, Henry, Holladay, Holman, Howell, Huey, Huffstetter, Humphreys, Hunt, Lindsey of Fayette, Linsday of Howard, Litchfield, Manson, Marrs, Mayfield, McDowell, Miller, Nelson, Price, Ray, Reynolds, Sale, Schoonver, Scudder, Shanklin, Smith of Spencer, Stanfield, Staton, Stuart, Suit, Taggart, Walker, Watson, Wilson, Withers, and Mr. Speaker—59.

So the motion did not prevail.

Mr. King moved to postpone the further consideration of this subject until Saturday next.

Which was disagreed to.

The question then being put on the adoption of the amendment to the amendment,

It was agreed to.

The question then recurred on the adoption of the resolution,

And being put,

It was agreed to.

Mr. Williams submitted the following resolution:

Resolved, That, in order to retain a sufficient number of members in attendance to do business, the Speaker is hereby instructed to sign no account for any member extending his per diem allowance beyond the day on which the account is presented, whether the member has leave of absence or not.

Mr. Graham moved to amend the resolution:

To prohibit the Treasurer of State from paying any member unless his claim be certified by the Speaker.

Which amendment was disagreed to.

The question then recurred on the adoption of the resolution,

And being put,

It was agreed to.

Ordered that the clerk inform the Senate thereof.

By unanimous consent of the House,

Mr. Brady obtained leave, and made the following report:

MR. SPEAKER:

The committee of Conference, to whom was referred the disagreeing vote of the two Houses on bill No. 138, providing for the election

of clerk of the circuit court, and prescribing some of their duties, now report that said committee agree that the House recede from their amendment to said bill so far as the word "stationery," and that the Senate recede from their disagreement as to the words "extra services."

Which report was concurred in.

Mr. Smith of Marion submitted the following resolution:

Resolved, That the committee of Ways and Means be instructed to inquire into the expediency of, and report in the specific appropriation bill an allowance of one hundred and fifty dollars to Hon. David Wallace, late prosecuting attorney for the county of Marion, for services as counsel for the State in the case of the Assignees of J. P. Chapman, State Printer, *vs.* the State of Indiana.

On motion by Mr. Withers,

The resolution was laid on the table.

On motion by Mr. Smith of Marion,

The resolution was taken from the table.

The resolution was then,

On motion,

Amended by making it one of inquiry.

The resolution, as amended, was then adopted.

By unanimous consent of the House,

The order of business was suspended; and,

Mr. Manson presented a memorial from certain students of the Blind Asylum;

Which,

On motion,

Was referred to the committee on Benevolent and Scientific Institutions, without reading.

Mr. Donaldson moved that the House adjourn;

Which motion did not prevail.

ORDERS OF THE DAY.

On motion by Mr. Stanfield,

House bill No. 183, relative to the acknowledgment and recording of deeds heretofore made and recorded,

Was taken from the table.

By unanimous consent of the House,

On motion by Mr. Stanfield,

The bill was amended as follows:

Add to the last section the following:

"But that no record of such deed shall be deemed to be constructive notice of the existence of any such deed prior to the taking effect of this act."

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Brady, Bulla, Buskirk, Chowning, Cockrum, Cowgill, Crawford, Dice, Dobson, Donaldson, Donham, Donnohue, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Goudy, Graham, Gunn, Helmer, Henry, Holladay, Holman, Hudson, Huffstetter, Humphreys, Hunt, King, Lavery, Leviston, Lindsey of Fayette, Lindsay of Howard, Litchfield, Marrs, Mayfield, McDowell, Miller, Nelson, Price, Ray, Reynolds, Sale, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stover, Suit, Sumner, Sweet, Taggart, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—66.

Those who voted in the negative were,

Messrs. Howell and Stuart—2.

So the bill passed.

Ordered, that the Clerk inform the Senate thereof.

Mr. Foster submitted the following resolution:

Resolved, That the Judiciary committee be requested to report to this House whether, in their opinion, members of the present Legislature are entitled to mileage for the late temporary adjournment under the laws now in force.

Which was agreed to.

On motion by Mr. Gibson,

House bill No. 234. A bill repealing all former acts of the Legislature, except those therein named,

Was taken from the table and referred to the Judiciary committee.

On motion by Mr. Manson,

No. 102. A joint resolution memorializing Congress to pass an act placing assistant surgeons appointed by commanding officers of the U. S. Army, during the war with Mexico, on the same footing as to bounty land and extra pay as regularly commissioned surgeons,

Was taken from the table.

On motion by Mr. Manson,

The joint resolution was recommitted to a select committee, with the following instructions:

To strike out "six," and insert "eighteen," in first section.

Mr. Doughty moved the House adjourn;

Which was disagreed to.

Mr. Brady moved that, when this House adjourn, it adjourn to meet on Monday morning at 8 o'clock.

On motion by Mr. Beach,

Leave of absence was granted Mr. Staton.

On motion,

Leave of absence was granted Mr. Struble.

On motion by Mr. Hart,

Leave of absence was granted Mr. Porter on account of sickness.

On motion by Mr. Gibson,

Leave of absence was granted Mr. Hay of Clark.

A message from the Governor, by Mr. King, his Executive messenger:

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives, that he has approved and signed the following bills, viz:

No. 268. An act to provide for the erection and repair of bridges.

No. 242. An act to submit to the voters of the counties of Perry and Spencer, at the general election for the year 1852, a proposal to create a new county out of a portion of the territory of said counties under the provisions of the fifteenth specification of the schedule so the constitution, and providing for the manner of voting on said proposition, and the duty of the officers of election and of the clerks of the circuit courts and sheriffs of said counties respectively, and of the Secretary of State in relation thereto.

No. 251. An act for the regulation of the penitentiary.

No. 221. An act concerning county prisons.

No. 225. An act concerning fugitives from justice.

No. 228. An act regulating the election and duties of State Librarian.

No. 233. An act providing for and regulating the relation of master and apprentice.

No. 264. An act prescribing duties of Governor.

No. 224. An act to authorize and limit allowances by courts and boards, and drafts upon county treasurers.

No. 237. An act declaring what documents shall be published along with the Revised Statutes.

No. 265. An act prescribing the powers and duties of coroners.

No. 202. An act prescribing the number and defining the powers and duties of constables.

No. 238. An act concerning interest on money.

No. 249. An act prescribing the powers and duties of Auditor of State.

No. 139. An act to authorize and regulate the business of General Banking.

No. 177. An act to provide for equalizing the appraisement, for taxation, of the real property of the State of Indiana.

No. 262. An act defining who are persons of unsound mind, and authorizing the appointment of guardians for such persons; defining the powers and duties of such guardians; declaring void the contracts of persons of unsound mind, and providing for their restraint when necessary.

No. 200. An act prescribing the powers and duties of Justices of the Peace in State prosecutions.

No. 157. An act for the relief of Samuel H. Patterson, and to reduce his rent as lessee of the Penitentiary.

No. 93. An act to regulate the sale of the swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof in accordance with the condition of said grant.

Mr. Lavery, from the joint committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The joint committee have this day presented to the Governor for his approval enrolled bills of the House numbered 93, 157, 200 and 262.

Mr. Manson moved that the House adjourn to meet Monday morning at 9 o'clock;

And the question being put,

The ayes and noes were demanded by ten members.

Those who voted in the affirmative were,

Messrs. Beane, Brady, Buskirk, Crim, Dice, Donnohue, Doughty, Douthit, Geddes, Gibson, Gookins, Goudy, Gunn, Hart, Helmer, Henry, Holladay, Holman, Howell, Hudson, Hunt, King, Lavery, Leviston, Manson, Miller, Mudget, Nelson, Sale, Shanklin, Smith of Spencer, Spencer, Stanfield, Stover, Suit, Torbet, Walker, Watson, and Wilson—39.

Those who voted in the negative were,

Messrs. Beach, Beeson, Bulla, Cockrum, Cowgill, Donham, Eccles, Foster, Graham, Huey, Huffstetter, Lindsay of Howard, Litchfield, Mayfield, McDowell, Price, Ray, Reynolds, Smith of Marion, Stuart, Sweet, Taggart, Wells, Williams, Withers, and Mr. Speaker—26.

So the House adjourned.

MONDAY MORNING, 8 o'clock, }
May 31, 1852. }

The House met.

The clerk proceeded to read the journal of yesterday.

When,

On motion by Mr. Holman,

The further reading thereof was dispensed with.

On motion by Mr. Holman,

The order of business was suspended, and the following message from the Senate was taken up:

A message from the Senate, by Mr. Dunn, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the 3d, 4th, 7th, 15th, 18th, 20th, part of 21st, 22d, 23d, 24th, 25th, 26th, 29th, 30th, 33d and 34th engrossed amendments of the House to engrossed bill of the Senate No. 169, a bill to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, &c., and have refused to concur in the 1st, 2d, 5th, 6th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 16th, 17th, 19th, part of 21st, 27th, 28th, 31st, 32d and 35th engrossed amendments thereto.

In which the concurrence of the House is respectfully requested.

On motion by Mr. Holman,

The House insisted on its engrossed amendments to Senate bill No. 169, contained in the foregoing message.

On motion,

A committee of Conference was ordered.

Messrs. Holman and Stanfield were appointed said committee.

REPORTS FROM COMMITTEES.

Mr. Holman, chairman of the Judiciary committee, reported back House bill.

No. 181. A bill for the relief of purchasers or owners of certain tracts or lots of land denominated Michigan road lands, in the county of Fulton,

For the consideration of the House.

On motion by Mr. Miller,

The bill was referred to the committee on Claims.

Mr. Schoonover, chairman of the committee on Military Affairs, made the following report:

MR. SPEAKER:

The committee on Military Affairs, to whom was referred Senate bill No. 142, a bill to organize the militia, providing for the appointment and prescribing the duties of certain officers, have had the same under consideration, and have made the following amendments, and when adopted recommend the passage of the bill:

1st. Add to 1st section "and each county in such district shall form and constitute one regiment."

2d. Strike out of the 2d section all after the word "and" in the 7th line, and insert "recommend to the Governor suitable persons in each of the counties in his brigade, to be commissioned colonel, lieutenant and major, in such county."

3d. In section 3 strike out the second line.

4th. In line 5, after the word "captain" insert "and two lieutenants."

5th. In line 12, strike out "county" and insert "regimental."

6th. In section 4, line 2, strike out the words "two lieutenants." Add to the section "who shall continue in office one year."

7th. In section 5, after the words "such officers" insert "except sergeants and corporals."

8th. In section 6, in the 4th line, strike out "the" and insert "a;" in the 5th line, between the words "of" and "the" insert "a majority of;" strike out all after the word "general," in the 6th line, and in insert "of the State."

9th. Section 7, in the 5th line, between the words "of" and "the" insert "a majority of," and strike out all after the word "brigade" in the 6th line.

10th. In section 8, strike out "county" in the 5th line, and insert "regimental;" between the words "of" and "all" in the 6th line insert "a majority of;" in the 8th line strike out all after "the county," and insert "regiment."

11th. In section 9, in 2d line, strike out "county," and insert "regimental."

12th. Strike out section 10 to the word "shall" in the 8th line, and insert "such brigadier generals, colonels, lieutenant colonels, majors, captains, and lieutenants, on receiving their commissions."

13th. In section 11, 8th line, strike out "county" and insert "regiment."

Strike out section 14.

Strike out section 15.

SEC. 17. Strike out "county" in the 4th line and insert "regiment."

SEC. 18. Strike out all after the word "militia," in the 5th line.

Strike out section 19, and insert "volunteer companies may be formed within the bounds of any regiment, under such rules and regulations as may be prescribed by the colonel thereof, and approved by the brigadier general."

SEC. 21. Strike out all after the word "counties" in the 4th line, and insert "which may be forwarded on the order of such boards, and may transfer the same to any volunteer company formed in such county, under such regulations as will secure the safe keeping and return of such arms in good order, when demanded by the authorized agent of such board of commissioners."

SEC. 22. In the 2d line, after the word "adjutant," insert the word "and;" strike out the words "and company."

The amendments were concurred in and ordered to be engrossed, and the bill ordered to a 3d reading.

Mr. Hudson, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred Senate bill No. 153, a bill providing for the settlement of decedents' estates, &c., &c., report the same back with the following amendments, and recommend their adoption, and ask to be discharged from a further consideration of the subject.

SEC. 20. Strike out the words "into court," and insert the word "over."

SEC. 20. After the 5th specification add the following:

Sixth. But whenever an executor or administrator shall be about removing from the county in which he resided at the time he became such executor or administrator, he shall, before leaving such county, make a true and final exhibit, under oath, to the court of common

pleas, of the condition of the estate of which he is executor or administrator, at which time his letters of executorship or administration shall be revoked. And any executor or administrator who has, previous to the taking effect of this act, removed to the county in which he resided at the time he became such executor or administrator, and who has failed to comply and make an exhibit as aforesaid, shall at the first term of the court of common pleas, after citation has been issued against him, be removed from all connection as executor or administrator, with such estate.

And it shall be the duty of the court of common pleas, at the first session thereof, to issue a citation against such executors or administrators, commanding him or them, to appear at the next term of said court, then and there to make a final settlement of said estate, at which time judgment shall be rendered against such executor or administrator for the amount found to be in his hands, and due said estate. *Provided*, That the above provisions shall not apply to an administrator who removes only into an adjoining county, but in that case his letters may be revoked in the discretion of the court.

SEC. 41. Strike out "two hundred and fifty," and insert "three hundred."

SEC. 47. Strike out "of the most," in the 10th line.

SEC. 63. Strike out all after the words "administrator thereof," in the fifth line.

Strike out section 64.

SEC. 73. Strike out the words "or creditor."

Strike out section 76, and insert the following section:

SEC. —. When any judgment is rendered against an executor or administrator, to be levied of the personal estate of the deceased in his hands, and execution issued thereon is returned unsatisfied, in whole or in part, for want of personal estate, and there is real estate of the deceased in this State which can be made subject to the payment of his debts; or whenever any creditor shall file a claim, verified by oath, the judgment plaintiff or the creditor may petition the court of common pleas to have said real estate converted into money, for the discharge of such judgment or debt. Such petition shall set forth the date of the judgment and the full amount of the claim; the court in which said judgment was obtained and the amount due thereon, the want of the personal property to satisfy the claims against said estate; and shall make defendants thereto, such executors or administrators, and the heirs, devisees, and when the legacy is specially chargeable on the real estate, the legatees of the deceased.

SEC. —. The parties made defendants thereto shall be notified of the pendency of such petition, in like manner as notice by executors or administrators proceeding to sell real estate is required to be given, according to the provisions of the preceding sections of this article; and the hearing of such application shall be conducted in all respects as on the petition of an executor or administrator.

SEC. —. If the court shall be satisfied of the truth of the plaintiff's petition, such court shall require the said executor or administrator to convert the real estate of the deceased into assets for the payment of debts.

SEC. 74. Strike out the words "of the most" in the 11th line.

SEC. 81. Strike out the word "school" in the 9th line.

SEC. 81. Strike out the words "of the most" in the 10th line.

Strike out in section 85, in the 17th line, the words "nor until after notice given as in case of public sale."

SEC. 96. After the word "and" in the 8th line, insert "when it shall appear to the satisfaction of such court that the purchase money has been fully paid, it shall;" strike out all after "his assignee" in same section.

SEC. 97. Strike out the word "greatly" and insert "evidently."

Strike out sections 101, 102, 103, and 104, and insert the following:

SEC. 101. At the next term of the court of common pleas after the receipt of any money of the estate of a decedent, the executor or administrator thereof shall make a report of the same to said court, accompanied with a brief statement, verified by oath, setting forth the names of the persons from whom it was received, the nature of the demand therefor, and that no other money belonging to such estate, not before reported, has been received by him, which statement shall be filed among the papers belonging to said estate.

SEC. 102. If such executor or administrator fail to make such report according to the provisions of the preceding section, the court shall forthwith issue a citation against him, and if such executor or administrator fail to appear and report as aforesaid at the next term after the issuing of such citation, it shall be the duty of said court to remove him instantler, and appoint an administrator *de bonis non*, who shall immediately bring suit on such executor's or administrator's bond.

SEC. 103. In any suit, as provided for in the preceding section, if the plaintiff recover, he shall have damages for the amount of money of such estate not paid over, with interest from the time when it was received, and ten per centum thereon.

16th. Strike out section 105.

17th. SEC. 106. After the specification No. 2, insert the words "funeral expenses;" strike out all after the 6th specification.

18th. Add to section 108 the words "after the personal property shall have been exhausted."

19th. Strike out in section 109 the words "one year," and insert "eighteen months."

20th. Strike out all in section 109 after the words "proceedings in the premises," and after those words insert the following: "and if it shall appear to the court that he is unable then to make final settlement, the court may, in its discretion, give further time."

21st. After section 114, insert the following sections:

SEC. —. Executors, administrators and guardians may, at any time in vacation, present their accounts current and vouchers for examination to the clerk of the court of common pleas, who shall, upon such examination, file the same and report such account current and vouchers to the said court at its next term for settlement.

SEC. —. The clerk of such court shall give public notice of the time when such accounts current will be presented to the court for examination and settlement, which notice shall be published ten days before such term of such court, in a newspaper printed in such county, if any there be, if not, by posting such notice upon the court house door, and upon the office door of such clerk.

22d. SEC. 119. Insert after the words "outstanding against the estate," "so far as the same can be ascertained."

23d. SEC. 121. Strike out "of the most."

24th. SEC. 123. In the 11th line strike out the word "mortgages."

25th. Strike out sections 129, 130, 131, and 132, and insert the following sections:

SEC. 129. If the widow of a decedent, or any one in her behalf, by statement in writing, shall represent to the clerk of the proper county, that the estate of the decedent, real and personal, is not worth over three hundred dollars, such clerk shall elect one disinterested freeholder of the county, and such widow, on her part, another, who shall inventory and appraise, at their fair cash value, by items, each solvent demand, article of personal property, and tract of real estate belonging to such estate, which inventory and appraisal, duly certified by affidavit, shall be filed in the office of such clerk, and recorded in the order book of such court.

SEC. 130. If the whole value of said property, so appraised, shall not exceed three hundred dollars, no letters of administration shall issue on the estate of the deceased. But the said appraisers shall deliver to the widow the whole of the property of the deceased, which she shall hold independent of any debts or incumbrances hereafter created, except mortgages in the conveyance of which she may have joined, and the consideration money for real estate, which may be exempted from administration under the provisions of this act.

SEC. 131. At any time within ninety days after the death of the decedent, upon the representation in writing, of any creditor, that the amount of said estate does exceed the amount of three hundred dollars, and that he desires to take out letters of administration, the clerk shall issue to such creditor letters of administration.

SEC. 132. If, in the course of such administration, it shall appear that such estate is of less value than three hundred dollars, such creditor shall bear all the costs and expenses of such administration. But if such estate shall prove to be of greater value than three hundred dollars, then all costs and expenses of such administration shall be paid out of such estate.

26th. SEC. 134. Strike out the words "of the most."

27th. SEC. 135. Strike out the word "clerk," and insert "executor or administrator."

28th. SEC. 153. Strike out the words "under the insolvent" and insert "according to."

29th. SEC. 174. Strike out "after the plaintiff's right of action has accrued," and insert "after the disability is removed."

30th. SEC. 176. Insert after the word "ancestor" "or devisor."

31st. Amend form of final settlement so that the executor or administrator is chargeable with sale bill, and other notes, accounts, and money that has come into his hands.

Mr. Buskirk moved to lay the bill and amendments on the table. Which was disagreed to.

The amendments were considered separately.

The question being put on concurring in the first amendment,

The ayes and noes were demanded by Messrs. Stover and Gibson.

Those who voted in the affirmative were,

Messrs. Beach, Behm, Brady, Bryant, Bulla, Carpenter, Cockrum, Donaldson, Doughty, Douthit, Foster, Goudy, Graham, Gunn, Hanna, Hart, Helmer, Holladay, Holman, Howell, Hudson, Huffstetter, Hunt, King, Lawrence, Leviston, Lindsay of Howard, Marrs, Mayfield, McDonald, Miller, Ray, Sale, Schoonover, Shanklin, Stanfield, Sumner, Torbet, Walker, Williams, Wilson, and Mr. Speaker—42.

Those who voted in the negative were,

Messrs. Beane, Beeson, Buskirk, Chowning, Crawford, Dice, Dobson, Donham, Eccles, Geddes, Gibson, Hays of White, Henry, Huey, Humphreys, Lindsey of Fayette, Manson, McDowell, Mudget, Nelson, Price, Reynolds, Smith of Marion, Smith of Spencer, Spencer, Stover, Stuart, Suit, Sweet, Taggart, Wells, and Withers—32.

So the first amendment was concurred in.

The question being but on concurring in the 2d, 3d, 4th and 5th amendments,

They were agreed to.

The question being on concurring in the 6th amendment,

Mr. Hudson moved to lay the amendment on the table.

And the question being put.

The ayes and noes were demanded by Messrs. Buskirk and Gibson.

Those who voted in the affirmative were,

Messrs. Beach, Beeson, Behm, Brady, Bryant, Carpenter, Cockrum, Cowgill, Davis of Franklin, Doughty, Douthit, Eccles, Foster,

Goudy, Graham, Gunn, Hanna, Hart, Helmer, Henry, Holladay, Howell, Hudson, Huey, Huffstetter, Humphreys, Hunt, King, Lawrence, Leviston, Lindsey of Fayette, Linsday of Howard, Manson, Marrs, Mayfield, McDonald, Miller, Nelson, Price, Ray, Sale, Schoonover, Shanklin, Spencer, Stanfield, Stuart, Suit, Sumner, Sweet, Taggart, Torbet, Walker, Williams, Wilson, Withers and Mr. Speaker—56.

Those who voted in the negative were,

Messrs. Beane, Buskirk, Chowning, Crawford, Dice, Dobson, Donaldson, Donham, Gibson, Hays of White, Holman, McDowell, Reynolds, Smith of Marion, Smith of Spencer, Stover, and Wells—17.

So the amendment was laid on the table.

The question being put on concurring in the 7th amendment,

The ayes and noes were demanded by Messrs. Gibson and Reynolds.

Those who voted in the affirmative were,

Messrs. Beach, Brady, Carpenter, Cockrum, Cowgill, Dobson, Douthit, Eccles, Foster, Goudy, Graham, Gunn, Hanna, Hart, Helmer, Henry, Holladay, Holman, Howell, Hudson, Huey, Huffstetter, Hunt, King, Lawrence, Leviston, Linsday of Howard, Marrs, McConnell, McDonald, Miller, Nelson, Ray, Sale, Schoonover, Shanklin, Spencer, Stanfield, Stuart, Sumner, Sweet, Taggart, Torbet, Walker, Williams, Wilson, Withers, and Mr. Speaker—48.

Those who voted in the negative were,

Messrs. Beane, Beeson, Buskirk, Chowning, Dice, Donham, Dougherty, Gibson, Humphreys, Lindsey of Fayette, McDowell, Reynolds, Smith of Marion, Smith of Spencer, Stover, and Wells—16.

No quorum voted.

On motion by Mr. Beeson.

A call of the House was ordered.

The clerk proceeded with the call, when the following members answered to their names, viz:

Messrs. Beach, Beane, Beeson, Brady, Bryant, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Davis of Franklin, Dice, Dobson, Donaldson, Donham, Douthit, Eccles, Foster, Gibson, Goudy, Graham, Gunn, Hanna, Hart, Hays of White, Helmer, Henry, Holladay, Holman, Howell, Hudson, Huey, Huffstetter, Humphreys,

Hunt, King, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Manson, Marrs, McAllister, McConnell, McDonald, McDowell, Miller, Mudgett, Nelson, Porter, Ray, Reynolds, Sale, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Stover, Stuart, Suit, Sumner, Sweet, Taggart, Torbet, Walker, Wells, Williams, Wilson, Withers, and Mr. Speaker.

On motion,

A further call of the House was suspended.

The question then recurred on concurring in the 7th amendment.

The ayes and noes were demanded by Messrs. Gibson and Reynolds.

Those who voted in the affirmative were,

Messrs. Beach, Behm, Brady, Bryant, Buskirk, Chowning, Cockrum, Cowgill, Davis of Franklin, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Goudy, Graham, Gunn, Hanna, Hart, Helmer, Henry, Holladay, Holman, Howell, Hudson, Huey, Huffstetter, Hunt, King, Lawrence, Leviston, Lindsay of Howard, Manson, Marrs, Mayfield, McAllister, McConnell, McDonald, Miller, Nelson, Price, Ray, Reynolds, Sale, Schoonover, Shanklin, Smith of Spencer, Stanfield, Stuart, Suit, Sumner, Sweet, Taggart, Torbet, Walker, Williams, Wilson, Withers, and Mr. Speaker—62.

Those who voted in the negative were,

Messrs. Beane, Beeson, Crawford, Gibson, Lindsey of Fayette, McDowell, Smith of Marion, Stover, and Wells—9.

So the amendment was concurred in.

The question being on concurring in the 8th amendment,

Mr. Holman moved to amend the amendment as follows;

“When the legacy is specially chargeable on the real estate.”

Which was accepted.

And the amendment concurred in.

The question being put, on concurring in the 9th amendment,

The ayes and noes were demanded by Messrs. Gibson and Stover.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Brady, Bryant, Bulla, Carpenter, Cockrum, Cowgill, Dice, Donaldson, Doughty, Douthit, Eccles, Foster, Geddes, Goudy, Graham, Gunn, Hanna, Hart, Helmer, Henry, Holladay, Holman, Howell, Hudson, Huffstetter, Humphreys, Hunt, King, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard,

Manson, Marrs, Mayfield, McAllister, McConnell, McDonald, Miller, Nelson, Price, Ray, Sale, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Torbet, Walker, Williams, and Wilson—61.

Those who voted in the negative were,

Messrs. Beeson, Buskirk, Crawford, Dobson, Donham, Gibson, Huey, McDowell, Reynolds, Stevens, Watson, Wells, and Withers—13.

So the amendment was concurred in.

The question being put on concurring in the 10th, 11th, and 12th, amendments,

They were agreed to.

The question being on concurring in the 13th amendment,

On motion by Mr. Stanfield,

The amendment was laid on the table.

On motion by Mr. Gibson,

The 14th amendment of the committee was laid on the table.

The question being on concurring in the 15th amendment to strike out sections 101, 102, &c., and insert ——— sections in lieu thereof,

Mr. Buskirk moved to lay the amendment on the table;

Which was disagreed to.

The question then recurred on concurring in the 15th amendment.

And the being put,

The ayes and noes were demanded by Messrs. Gibson and Stover.

Those who voted in the affirmative were,

Messrs. Beach, Brady, Bryant, Bulla, Carpenter, Cockrum, Cowgill, Davis of Franklin, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Helmer, Henry, Holladay, Holman, Howell, Hudson, Huffstetter, Hunt, King, Lawrence, Leviston, Lindsay of Howard, Marrs, Mayfield, McAllister, McDonald, Miller, Price, Ray, Sale, Schoonover, Shanklin, Spencer, Stanfield, Stuart, Suit, Sumner, Sweet, Taggart, Torbet, Walker, Williams, Wilson, and Mr. Speaker—54.

Those who voted in the negative were,

Messrs. Beane, Beeson, Buskirk, Chowning, Crawford, Dice, Dobson, Geddes, Gibson, Hays of White, Huey, Humphreys, Lindsey of

Fayette, Manson, McDowell, Nelson, Reynolds, Smith of Marion, Smith of Spencer, Stover, Wells, and Withers—22.

So the amendment was concurred in.

The question being put on concurring in the 16th amendment,

The ayes and noes were demanded by Messrs. Gibson and Reynolds.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Brady, Bryant, Bulla, Carpenter, Cowgill, Donham, Doughty, Douthit, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Helmer, Henry, Holladay, Hudson, Hunt, King, Leviston, Lindsay of Howard, Marrs, Mayfield, Sale, Schoonover, Shanklin, Taggart, Walker, Williams, Wilson, Withers and Mr. Speaker—35.

Those who voted in the negative were,

Messrs. Beeson, Buskirk, Chowning, Crawford, Dice, Dobson, Donaldson, Eccles, Foster, Gibson, Hays of White, Holman, Howell, Huey, Huffstetter, Humphreys, Lawrence, Lindsey of Fayette, Manson, McAllister, McConnell, McDonald, McDowell, Miller, Nelson, Price, Reynolds, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Stover, Stuart, Suit, Sweet, Torbet, and Wells—37.

So the amendment was disagreed to.

The question being put on concurring in the 17th and 18th amendments,

They were agreed to.

The question being put on concurring in the 19th amendment,

It was disagreed to.

The question being put on concurring in the 20th, 21st, 22d and 23d amendments,

They were agreed to.

On motion by Mr. Stover,

The 24th amendment was laid on the table.

The question being on concurring in the 25th amendment,

Mr. Gibson moved to amend section 129 of the original bill by striking out "and an affidavit," and insert "a statement in writing."

Pending which,

On motion by Mr. Suit,

The House adjourned.

2 o'clock, P. M.

The House met, and resumed the consideration of the amendments reported this morning by the committee to bill of the Senate No. 153.

The pending question being on the motion by Mr. Gibson to amend the original bill,

It was disagreed to.

On motion by Mr. Gibson,

A call of the House was ordered.

The clerk proceeded to the call, when the following members answered to their names:

Messrs. Barker, Beach, Beane, Beeson, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Davis of Franklin, Donaldson, Dobson, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Helmer, Henry, Holladay, Holman, Howell, Hudson, Huey, Huffstetter, Humphreys, King, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Mayfield, McAllister, McDowell, Miller, Nelson, Porter, Ray, Reynolds, Sale, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—71.

On motion by Mr. Goudy,

Mr. Crim was excused.

On motion by Mr. Henry,

Leave of absence was granted Mr. Litchfield, on account of the sickness of his family.

On motion by Mr. Beeson,

The further call of the House was suspended.

The question being on concurring in the 25th amendment,

Mr. King moved to amend the amendment as follows, viz:

Strike out of section 130 "but the said appraisers shall deliver to the widow," and insert "and the widow shall thereupon be possessed of."

Which was accepted.

Mr. Gookins moved to amend the amendment as follows, viz:

In section 130, strike out the words "the conveyance of."

Which was agreed to.

Mr. Stanfield moved to amend the amendment, as follows:

Add to section 130; And mortgages on personal property for purchase money thereof lent, for no other purpose, or other liens existing upon real estate for the purchase money thereof.

And the question being put,

The ayes and noes were demanded by Messrs. Nelson and Stover.

Those who voted in the affirmative were,

Messrs. Barker, Carpenter, Cockrum, Donaldson, Donham, Foster, Gibson, Gookins, Gunn, Hart, Helmer, Holman, Howell, Marrs, Ray, Sale, Scudder, Stanfield, Struble, Stuart, and Watson—21.

Those who voted in the negative were,

Messrs. Beach, Beane, Beeson, Brady, Bryant, Bulla, Buskirk, Chowning, Cowgill, Crawford, Davis of Franklin, Dobson, Doughty, Douthit, Eccles, Geddes, Goudy, Graham, Hanna, Henry, Holladay, Hudson, Huey, Huffstetter, Humphreys, Hunt, King, Lawrence, Leviston, Lindsey of Fayette, Linsday of Howard, Major, Manson, McAllister, McDonald, McDowell, Miller, Nelson, Porter, Price, Reynolds, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stover, Suit, Sumner, Sweet, Taggart, Torbet, Walker, Wells, Williams, Wilson, Withers, and Mr. Speaker—57.

So the amendment to the amendment was disagreed to.

The question then recurred on the adoption of the amendment reported by the committee;

And being put,

It was agreed to.

The 26th amendment was concurred in.

On motion by Mr. Hudson,

The 27th amendment was laid on the table.

The question being put on concurring in the 28th, 29th, and 30th amendments.

They were agreed to.

On motion by Mr. Linsday of Howard,

The 31st amendment was laid on the table.

Mr. Stover moved to lay the bill on the table;

Which was disagreed to.

The amendments were then ordered to be engrossed, and the bill ordered to a third reading.

Mr. Hunt, chairman of the committee on Benevolent and Scientific Institutions, made the following report:

MR. SPEAKER:

The committee on Benevolent and Scientific Institutions, to whom was referred Senate bill No. 164, entitled "a bill to provide for the government and support of the Institution for the Education of the Deaf and Dumb," have had that subject under consideration, and directed me to report the same back to the House with one amend-

ment, and when so amended, to respectfully recommend its passage:

Strike out all in relation to salaries.

The amendment was concurred in.

On motion by Mr. Buskirk,

The bill was laid on the table.

By unanimous consent of the House,

Mr. Gibson obtained leave, and offered the following resolution:

Resolved, That the "Blakely Family" be respectfully requested to favor this House with a few patriotic songs in this Hall immediately after the adjournment this evening.

Which was agreed to.

By unanimous consent of the House,

Mr. Smith of Marion obtain leave and introduced,

No. 297. A bill relative to the construction of laws and city ordinances;

Which was read a first time.

Mr. Buskirk moved to suspend the rule and read the bill a second time now.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Bulla, Buskirk, Chowning, Donham, Eccles, Foster, Geddes, Gibson, Graham, Hanna, Hart, Henry, Howell, Huey, Huffstetter, Humphreys, Hunt, Leviston, Lindsey of Fayette, Marrs, McAllister, McDowell, Miller, Mudgett, Porter, Ray, Sale, Smith of Marion, Spencer, Stuart, Wilson, and Mr. Speaker—37.

Those who voted in the negative were,

Messrs. Bryant, Carpenter, Cockrum, Crawford, Davis of Franklin, Dice, Dobson, Doughty, Douthit, Gookins, Goudy, Gunn, Hays of White, Helmer, Holladay, Holman, King, Lawrence, Lindsay of Howard, Major, Manson, McConnell, McDonald, Nelson, Price, Reynolds, Schoonover, Scudder, Shanklin, Smith of Spencer, Stanfield, Struble, Suit, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, and Withers—42.

So the rule was not suspended.

The bill was then passed to a second reading.

On motion by Mr. Torbet,

Senate bill No. 156. A bill to amend acts of incorporation, &c.

Was taken up and read a second time, and considered as in com-

mittee of the whole and reported to the House without amendment.

Mr. Brady moved to refer the bill to the Judiciary committee.

Which was disagreed to.

Mr. Holladay moved to amend the bill as follows :

In 3d section add, "or any point or points on said road."

Which was disagreed to.

The bill was then ordered to a third reading.

ORDERS OF THE DAY.

Senate bill No. 162. A bill for the prevention of frauds and perjuries and requiring certain contracts to be in writing and declaring certain conveyances, assignments contracts and mortgages void ;

Was read a third time.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Bryant, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Crawford, Davis of Franklin, Dice, Dobson, Donaldson, Donham, Donnohue, Doughty, Douthit, Eccles, Geddes, Gibson, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Hays of White, Helmer, Henry, Holman, Howell, Huey, Huffstetter, Humphreys, Hunt, King, Laverty, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Manson, Marrs, Mayfield, McAllister, McConnell, McDonald, Mudgett, Nelson, Porter, Price, Ray, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers and Mr. Speaker—51.

Those who voted in the negative were,

Messrs. Holladay and McDowell—2.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

Senate bill No. 163, A bill authorizing proceedings to try the right of property seized by virtue of any writ of execution or attachment, and claimed by any other than the execution or attachment defendant ;

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Bryant, Bulla, Buskirk, Chowning, Cockrum, Crawford, Davis of Franklin, Dice, Dobson, Donham, Donnohue, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Hays of White, Helmer, Henry, Holladay, Holman, Howell, Hudson, Huey, Huffstetter, Humphreys, Hunt, King, Lavery, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Manson, Marrs, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Nelson, Porter, Price, Ray, Sale, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stover, Struble, Stuart, Suit, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—79.

No person voted in the negative.

So the bill passed.

Ordered, that the Clerk inform the Senate thereof.

Senate bill No. 149, A bill for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties ;

Was taken up.

Mr. Smith of Marion moved that the House adjourn ;

Which motion did not prevail.

Mr. Manson moved to lay the bill on the table ;

Which was disagreed to.

The bill was then read a third time.

Mr. Williams moved to recommit the bill to a select committee of three, with instructions to reinstate section 47 of the original bill.

And the question being put,

The ayes and noes were demanded by Messrs. Carpenter and Graham.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Bryant, Bulla, Chowning, Cockrum, Davis of Franklin, Dice, Dobson, Donham, Donnohue, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Goudy, Graham, Gunn, Hanna, Hart, Hays of White, Helmer, Henry, Holladay, Holman, Howell, Huey, Huffstetter, Humphreys, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Manson, Marrs, Mayfield, McAllister, McConnell, McDonald, Miller, Mudgett, Nelson, Porter, Price, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Stover, Struble, Suit, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—73.

Those who voted in the negative were,

Messrs. Carpenter, Cowgill, Gookins, Laverty, McDowell, Stuart, and Torbet—7.

So the bill was recommitted with the instructions.

Messrs. Williams, McDowell and Hays of White, were appointed said committee.

Mr. Williams, from a select committee, made the following report:

MR. SPEAKER:

The select committee to which was referred Senate bill No. 147, with specific instructions, have performed the duty required and report back the bill amended as required by the instructions, and recommend its passage.

Amend by inserting section 47 as it stood in the Senate bill.

Which report was concurred in.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Bryant, Bulla, Carpenter, Chowning, Cockrum, Cowgill, Davis of Franklin, Dobson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Goudy, Graham, Gunn, Hanna, Hart, Hays of White, Helmer, Henry, Holaday, Holman, Howell, Hudson, Huey, Huffstetter, Humphreys, Hunt, Laverty, Lawrence, Leviston, Lindsey of Fayette, Major, Manson, Marrs, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Mudget, Nelson, Porter, Ray, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Stover, Struble, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams, Wilson, and Mr. Speaker—74.

Those who voted in the negative were,

Messrs. Gookins, King, Lindsay of Howard, Stuart, Suit, Torbet, and Withers—7.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

Mr. Manson, from a select committee, obtained leave and made the following report:

MR. SPEAKER:

The select committee to whom was referred Senate joint resolu-

tion No. 102, in relation to placing certain surgeons employed in the army in Mexico on the same footing as to bounty lands and extra pay, with regularly commissioned surgeons, with certain instructions, have had the same under consideration, and direct me to report it back with the following amendment: strike out six months and insert eighteen months, and recommend its passage.

Which was concurred in.

The question being shall the joint resolution pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Bryant, Buskirk, Chowning, Davis of Franklin, Dice, Dobson, Donaldson, Donham, Donnohue, Douthit, Geddes, Gibson, Gookins, Goudy, Hanna, Hart, Hays of White, Holladay, Howell, Huffstetter, Hunt, King, Lavery, Leviston, Lindsey of Fayette, Linsday of Howard, Major, Manson, Marrs, Mayfield, McAllister, McConnell, McDonald, McDowell, Mudgett, Nelson, Porter, Ray, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Spencer, Stover, Struble, Stuart, Suit, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Williams, and Mr. Speaker—60.

Those who voted in the negative were,

Messrs. Bulla, Carpenter, Cockrum, Doughty, Eccles, Foster, Graham, Gunn, Helmer, Henry, Holman, Hudson, Huey, Humphreys, Lawrence, Reynolds, Smith of Spencer, Sumner, Wells, Wilson, and Withers—21.

So the joint resolution passed.

Ordered, that the clerk inform the Senate thereof.

Mr. Brady called up House bill No. 276. A bill relative to the salaries of public officers, and providing the manner of paying the same;

Which was lost on its passage some days since, there not being a constitutional vote given therefor.

Mr. Doughty moved to recommt the bill with instructions to insert \$1000 for Superintendent of common schools.

And the question being put,

The ayes and noes were demanded by Messrs. Doughty and Graham.

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Brady, Bulla, Cockrum, Davis of Franklin, Doughty, Foster, Gibson, Goudy, Graham, Gunn, Huey, King,

Lawrence, Leviston, Lindsey of Fayette, Miller, Ray, Scudder, Shanklin, Thompson, Walker, Wells, Withers, and Mr. Speaker—26.

Those who voted in the negative were,

Messrs. Beach, Beane, Bryant, Buskirk, Carpenter, Chowning, Cowgill, Dice, Dobson, Donaldson, Donham, Donnohue, Douthit, Eccles, Geddes, Gookins, Hanna, Hart, Hays of White, Helmer, Henry, Holladay, Holman, Howell, Hudson, Huffstetter, Humphreys, Hunt, Lavery, Lindsay of Howard, Major, Manson, Marrs, Mayfield, McAllister, McConnell, McDonald, McDowell, Mudget, Nelson, Owen, Price, Reynolds, Sale, Schoonover, Smith of Marion, Stanfield, Stover, Struble, Stuart, Suit, Sweet, Taggart, Torbet, Watson, Williams, and Wilson—57.

So the bill was not recommitted with the instructions.

Mr. Doughty moved the House adjourn;

Which motion did not prevail.

Mr. Suit moved to lay the bill on the table;

Which was disagreed to.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Brady, Bryant, Buskirk, Carpenter, Chowning, Dice, Dobson, Donaldson, Donnohue, Donthit, Geddes, Hanna, Hart, Hays of White, Helmer, Henry, Holman, Howell, Huey, Humphreys, Hunt, King, Lavery, Manson, McAllister, McConnell, McDowell, Miller, Mudget, Nelson, Porter, Price, Ray, Sale, Schoonover, Scudder, Stover, Struble, Sweet, Taggart, Torbet, Watson, Wells, Williams, Wilson, and Mr. Speaker—49.

Those who voted in the negative were,

Messrs. Beeson, Behm, Bulla, Cockrum, Cowgill, Crawford, Davis of Franklin, Donham, Doughty, Eccles, Foster, Gibson, Goudy, Graham, Gunn, Holladay, Hudson, Huffstetter, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Mayfield, McDonald, Reynolds, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Suit, Sumner, Thompson, Walker, and Withers—35.

So the bill did not pass.

A message from the Senate by Mr. Dunn, their secretary:

Mr. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bills of the House:

No. 271, "an act giving validity to a certain class of contracts;"

No. 296, "a bill to provide for filling vacancies in boards of county commissioners until the taking effect of the general law upon this subject;"

Without amendment.

Mr. Smith of Marion, chairman of the committee on Enrolled Bills, made the following report:

Mr. SPEAKER:

The committee on Enrolled Bills have compared the following enrolled with the engrossed bills of the House of the corresponding numbers, and report them to the House correctly enrolled:

No. 155. An act to provide for the regulation of the running at large of all kinds of animals within the different townships in the different counties of the State, and to provide for the taking up, impounding and selling of all such animals as shall not be allowed by law to run at large.

No. 257. An act in relation to county auditors.

No. 271. An act giving validity to a certain class of contracts.

No. 296. An act to provide for filling vacancies in boards of county commissioners, until the taking effect of the general law upon the subject.

Whereupon the Speaker signed the same.

Ordered that the clerk inform the Senate thereof.

Mr. Lavery, from the joint committee on Enrolled Bills, made the following report:

Mr. SPEAKER:

The joint committee on Enrolled Bills have this day presented to the Governor, for his approval, enrolled bill of the House numbered 296.

Mr. Lavery, from the joint committee on Enrolled Bills, made the following report:

Mr. SPEAKER:

The joint committee on Enrolled Bills have this day presented to

the Governor, for his approval, enrolled bills of the House numbered 155, 257 and 271.

A message from the Governor by Mr. King executive messenger:

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives, that he has approved and signed the following bill, to-wit:

No. 296, an act to provide for filling vacancies in boards of county commissioners, until the taking effect of the general law upon this subject;

Which bill originated in the House of Representatives.

On motion by Mr. Gibson,
The House adjourned.

TUESDAY MORNING, 8 o'clock, }
June 1, 1852. }

The House met.

The Clerk proceeded to read the journal of yesterday;
When,

On motion by Mr. Stanfield,
The further reading thereof was dispensed with.

PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Brady:

The petition of Messrs. Barbour & Porter, attorneys, praying the payment of fees in the case of Ellis & Spann against the State of Indiana;

Which,

On motion,

Was referred to the committee on Ways and Means, with instructions to allow what they may deem just and proper.

By Mr. Smith of Marion:
The petition of Ann McPherson;
Which,

On motion,

Was referred to the committee on Rights and Privileges.

REPORTS FROM COMMITTEES.

Mr. Lindsay of Howard, from the committee on Ways and Means, made the following report:

MR. SPEAKER:

The committee on Ways and Means, to whom was referred a communication from the auditor of Delaware county, suggesting various changes in the revenue law, have directed me to report that the amendments suggested are embraced in the revenue bill heretofore reported by your committee to the House of Representatives, and recommend that it be laid upon the table.

Which was concurred in.

Mr. Lindsay of Howard, from the committee on Ways and Means, made the following report:

MR. SPEAKER:

The committee on Ways and Means, to whom was referred the petition of sundry citizens of Cass county, praying for an amendment to the 4th section of "an act for the more effectual, just and equal assessment and valuation of the personal property, moneys, rights, credits, effects and corporation stock in the State of Indiana," (approved February 13, 1851,) have directed me to report, that, in the opinion of your committee, it would be inexpedient to grant the prayer of said petition, and recommend that such petition be laid upon the table.

Which was concurred in.

Mr. Torbet, from the committee on Ways and Means, made the following report:

MR. SPEAKER:

The committee on Ways and Means, to whom was referred the petition of sundry citizens of German township, in Marshall county, praying for the abolition of a poll tax, have directed me to report that,

in the opinion of your committee, it is inexpedient to grant the prayer of such petition, and recommend that such petition be laid upon the table.

Which was concurred in.

Mr. Geddes, from the committee on Ways and Means, made the following report :

MR. SPEAKER :

The committee on Ways and Means, to whom was referred a communication from the treasurer of Sullivan county, suggesting some amendments to the assessment law, have directed me to report that the change asked for is contained in the bill heretofore reported to the House, and recommend that such communication be laid upon the table.

Which was concurred in.

Mr. Buskirk, chairman of the committee on Ways and Means, made the following report :

MR. SPEAKER :

The committee on Ways and Means, to whom was referred the petition of the board of commissioners of Daviess county, praying for a change in the law regulating the admission of patients in the Hospital for the Insane, and regulating ferries, have directed me to report that the subjects referred to in such petition, were referred to the joint committee on Revision, and that such committee have reported bills upon those subjects, and recommend that such petition be laid upon the table.

Which was concurred in.

Mr. Buskirk, chairman of the committee on Ways and Means, made the following report :

MR. SPEAKER :

The committee on Ways and Means, to whom was referred a communication from the Auditor of State, in regard to the time when the lien for taxes attaches, have directed me to report that the subject referred to in such communication, is embraced in a bill heretofore passed, and they recommend that such communication be laid upon the table.

Which was concurred in.

Mr. Buskirk, chairman of the committee on Ways and Means, made the following report :

MR. SPEAKER :

The committee on Ways and Means, to whom was referred the petition of sundry citizens of Jefferson county, praying for a law allowing a man's indebtedness to be deducted from his real estate and personal property, have directed me to report that, in the opinion of your committee, it would be unconstitutional and impolitic to grant the prayer of such petition, and recommend that such petition be laid upon the table.

Which was concurred in.

Mr. Carpenter, from the committee on Ways and Means, made the following report:

MR. SPEAKER :

The committee on Ways and Means, to whom was referred the petition of sundry citizens of Elkhart county, praying for a law to remedy the unequal assessment of real estate, have directed me to report that the evil complained of has been remedied by the passage of the bill providing for a State Board of Equalization of the appraisement of real estate, and recommend that it be laid upon the table.

Which was concurred in.

By unanimous consent of the House,

Mr. Stanfield obtained leave and offered the following resolution:

Resolved, That the Principal Clerk of the House make out on the third instant, a statement containing a list—

First. Of all bills that may have passed both houses during the present session.

Second. Of all bills now pending on the files of the House, and their condition.

Third. Of all bills that have passed the House and have not passed the Senate.

Fourth. Of all bills pending, upon which the two Houses have disagreed.

Fifth. Of all bills lying on the table of the House, setting forth the title of each bill; the statement showing the condition of all such bills up to the third instant, and that he cause two hundred copies thereof to be printed and laid on the desks of the members on Saturday morning next.

Which was agreed to.

Mr. Holman, chairman of the committee on the Judiciary, made the following report:

MR. SPEAKER :

The Judiciary committee, to which was referred Senate bill No. 173, entitled "An act for the benefit of Mary Page Reid," have had the same under consideration, and have directed me to report that a general law on the subject of adopting heirs is practicable, and probably such a law would be found in some instances adapted to the condition of society in this State; the constitutionality of the bill, however, is questionable, and the policy of enacting a special law on the subject is still more so; therefore the committee recommend that the bill be laid upon the table, and ask to be discharged from its further consideration.

Which was concurred in and the bill laid on the table.

Mr. Bryant, from the committee on Benevolent and Scientific Institutions, made the following report:

MR. SPEAKER :

The committee on Benevolent and Scientific Institutions, to which was referred House bill No. 282, has had the same under consideration, and instructed me to report the same back with the following amendment, and recommend its passage.

Amend section 16 by adding after the words "House of Refuge," the words "for any term of time, not less than twelve months."

The amendment was concurred in, and the bill ordered to be engrossed.

Mr. Stover, from the select committee on Revision, made the following report:

MR. SPEAKER :

The select joint committee on Revision, to whom was referred the subject, have directed me to report No. 298, "a bill for revenue purposes, and to establish a sinking fund with commissioners of the same for the redemption of the bonds of the State, therein named, and the liquidation of the public debt," and recommend its passage.

The bill was read a first time and passed to a second reading.

By unanimous consent of the House,
Mr. Gibson offered the following resolution:

Resolved, That the Secretary of State be requested to furnish the House with a copy of "an act for the relief of Amaziah Hazen," approved January 15, 1851, and the operation of which was sus-

pended by joint resolution until the meeting of this session of the General Assembly.

Which was agreed to.

Mr. Brady moved to reconsider the vote on the passage of House bill No. 276, "a bill relative to fees and salaries."

Mr. Gibson moved to lay the motion on the table.

Which was disagreed to.

The question then recurred on reconsidering the vote, and being put;

The ayes and noes were demanded by Messrs. Davis of Franklin and Watson.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Bryant, Buskirk, Carpenter, Chowning, Crawford, Dice, Dobson, Donaldson, Donham, Donnohue, Doughty, Douthit, Eccles, Foster, Geddes, Hanna, Hart, Helmer, Henry, Holman, Howell, Huey, Huffstetter, Humphreys, Hunt, Laverty, Leviston, Linsday of Howard, Major, Manson, McAllister, McConnell, McDowell, Miller, Mudget, Nelson, Porter, Price, Ray, Schoonover, Scudder, Smith of Marion, Stover, Struble, Sweet, Taggart, Torbet, Watson, Wells, Williams, Wilson, and Mr. Speaker—57.

Those who voted in the negative were,

Messrs. Behm, Bulla, Cockrum, Cowgill, Davis of Franklin, Gibson, Goudy, Graham, Gunn, Holladay, Hudson, King, Lawrence, Lindsey of Fayette, Marrs, Mayfield, McDonald, Reynolds, Sale, Shanklin, Smith of Spencer, Stanfield, Suit, Sumner, Thompson, Walker, and Withers—27.

So the vote was reconsidered.

Mr. Beeson moved to recommit the bill with the following instructions, viz:

Insert thirteen hundred dollars for the supreme judges and one thousand dollars for the State superintendent of public instruction.

Mr. Manson called the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

The ayes and noes were demanded by Messrs. Suit and Stanfield.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Brady, Bryant, Buskirk, Carpenter, Chowning, Dice, Dobson, Donaldson, Donham, Donnohue, Douthit,

Geddes, Goudy, Hanna, Hart, Helmer, Henry, Holman, Howell, Huey, Huffstetter, Humphreys, Hunt, Lavery, Lindsay of Howard, Manson, Mayfield, McAllister, McConnell, McDowell, Mudgett, Nelson, Porter, Ray, Sale, Schoonover, Smith of Marion, Smith of Spencer, Stover, Struble, Sweet, Taggart, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—53.

Those who voted in the negative were,

Messrs. Beeson, Behm, Bulla, Cockrum, Cowgill, Crawford, Davis of Franklin, Doughty, Eccles, Foster, Gibson, Graham, Gunn, Holladay, Hudson, King, Lawrence, Leviston, Lindsey of Fayette, Major, Marrs, McDonald, Miller, Price, Reynolds, Scudder, Shanklin, Stanfield, Suit, Sumner, and Thompson—31.

So the main question was ordered.

The main question being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Brady, Bryant, Carpenter, Chowning, Dice, Dobson, Donaldson, Donham, Donnohue, Douthit, Geddes, Hanna, Hart, Helmer, Henry, Holman, Howell, Huey, Huffstetter, Humphreys, Hunt, Lavery, Manson, McAllister, McConnell, McDowell, Mudgett, Nelson, Porter, Ray, Sale, Schoonover, Spencer, Stover, Struble, Sweet, Taggart, Torbet, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—47.

Those who voted in the negative were,

Messrs. Beeson, Behm, Bulla, Buskirk, Cockrum, Cowgill, Davis of Franklin, Doughty, Eccles, Foster, Gibson, Goudy, Graham, Gunn, Holladay, Hudson, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Marrs, Mayfield, McDonald, Miller, Price, Reynolds, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Suit, Sumner, Thompson, and Walker—36.

So the bill did not pass.

ORDERS OF THE DAY.

Mr. McDowell moved to take Senate bill, No. 125, "a bill to provide for the election of a State Printer &c," from the table.

And the question being put,

The ayes and noes were demanded by Messrs. McDowell and Behm.

Those who voted in the affirmative were,

Messrs. Barker, Beane, Brady, Crawford, Dice, Donaldson, Donham, Gibson, Hanna, Holladay, Holman, Howell, Huffstetter, Humphreys, Lavery, Major, Manson, McDowell, Mudget, Nelson, Porter, Ray, Shanklin, Smith of Marion, Stover, Stuart, Wells, Withers, and Mr. Speaker—29.

Those who voted in the negative were,

Messrs. Beach, Beeson, Behm, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Davis of Franklin, Dobson, Donnohue, Doughty, Douthit, Eccles, Foster, Geddes, Gookins, Goudy, Graham, Gunn, Hart, Helmer, Henry, Hudson, Hunt, King, Lawrence, Levistor, Lindsey of Fayette, Lindsay of Howard, Marrs, Mayfield, McAllister, McDonald, Miller, Price, Reynolds, Sale, Scudder, Smith of Spencer, Stanfield, Struble, Suit, Sumner, Taggart, Thompson, Torbet, Walker, Watson, Williams, and Wilson—53.

So the bill was not taken from the table.

On motion by Mr. Stover,

House bill No. 207—a bill providing for the surrender of public works, &c.—was taken from the table.

The question being put on concurring in the engrossed amendments of the Senate,

They were agreed to.

Ordered that the Clerk inform the Senate thereof.

By unanimous consent of the House,
Mr. King obtained leave and introduced
No. 299. A bill relative to the State Printing;
Which was read a first time; when,
By unanimous consent of the House,
Mr. King withdrew the bill.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill thereof:

No. 182. An act supplemental to an act entitled an act to create a special term of the Tippecanoe circuit court."

In which the concurrence of the House is respectfully requested.

The bill contained in the foregoing message was read a first time. Mr. Behm moved to suspend the rule, and read the bill a second time now.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Donaldson, Donham, Donnohue, Eccles, Geddes, Goudy, Graham, Helmer, Holman, Hudson, Huey, Hunt, Lavery, Lawrence, Major, Marrs, Mayfield, McAllister, McDowell, Nelson, Porter, Price, Ray, Reynolds, Sale, Scudder, Smith of Marion, Smith of Spencer, Spencer, Stover, Stuart, Suit, Taggart, Torbet, Walker, Watson, and Williams—50.

Those who voted in the negative were,

Messrs. Crawford, Dice, Douthit, Foster, Gunn, Hanna, Henry, Howell, Huffstetter, Humphreys, King, Leviston, Lindsey of Fayette, Manson, Shanklin, Struble, Sumner, Thompson, Wells, and Williams—20.

So the rule was suspended, and the bill read a second time, and ordered to a third reading.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House: No. 258. An act in relation to county treasurers; With one engrossed amendment of the Senate thereto; In which the concurrence of the House is respectfully requested.

The engrossed amendment of the Senate was concurred in. Ordered that the Clerk inform the Senate thereof.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has receded from its disagreement to engrossed bill of the Senate No. 138, "a bill to provide for the election of clerks of the circuit courts, and prescribing some of their duties."

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has reconsidered the vote concurring in the 1st engrossed amendment of the House to engrossed bill of the Senate No. 123, "a bill providing for an organization of circuit courts, the election of judges thereof, and defining their powers and duties," and have refused to concur therein.

In which the concurrence of the House is respectfully requested.

Mr. Holman moved the House recede from its engrossed amendment to the Senate bill contained in the foregoing message;

And the question being put,

The ayes and noes were demanded by Messrs. Graham and Holman.

Those who voted in the affirmative were,

Messrs. Beeson, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cowgill, Crawford, Dobson, Eccles, Foster, Geddes, Gibson, Gookins, Goudy, Hanna, Holman, Howell, Hudson, Humphreys, Hunt, King, Lindsay of Howard, Mayfield, McAllister, McDonald, McDowell, Miller, Nelson, Porter, Price, Ray, Reynolds, Sale, Spencer, Stanfield, Stover, Stuart, Suit, Thompson, Torbet, and Williams—43.

Those who voted in the negative were,

Messrs. Barker, Beane, Behm, Cockrum, Davis of Franklin, Dice, Donham, Donnohue, Doughty, Douthit, Graham, Gunn, Hart, Helmer, Henry, Holladay, Huey, Hufstetter, Lavery, Lawrence, Leviston, Manson, Marrs, Mudgett, Schonoover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Struble, Taggart, Walker, Watson, Wells, Withers, and Mr. Speaker—33.

So the House receded from its engrossed amendment.

Ordered, that the clerk inform the Senate thereof.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bill thereof:

No. 181. A bill to change the time of holding circuit courts in the county of Jennings;

In which the concurrence of the House is respectfully requested.

The bill was read a first time and passed to a second reading.

A message from the Senate, by Mr. Dunn, their Secretary :

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following resolution:

Resolved, That the Secretary of State, the House concurring, be authorized to employ clerks sufficient to perform the enrolling of the acts of the present General Assembly, and that he be allowed in addition to the sum now allowed by law for that purpose, such an amount as shall be deemed just and reasonable by this General Assembly.

In which the concurrence of the House is respectfully requested.

Mr. Gibson moved to refer the message to the committee on Ways and Means.

Mr. Buskirk moved to change the reference to a select committee. Which was accepted.

Mr. Behm moved to instruct the committee to report immediately. Which was agreed to.

The question being put on committing the message to a select committee.

It was agreed to.

Messrs. Buskirk, Lindsay of Howard, and Smith of Marion were appointed said committee.

A message from the Senate by Mr. Dunn their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill thereof:

No. 178. An act to establish courts of conciliation, to prescribe rules and proceedings therein, and compensation of judges thereof.

In which the concurrence of the House is respectfully requested.

The bill was read a first time and passed to a second reading.

A message from the Senate by Mr. Dunn their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House:

No. 203. An act regulating general elections and prescribing the duties of officers in relation thereto;

With the accompanying engrossed amendments of the Senate thereto.

In which the concurrence of the House is respectfully requested.

The amendments of the Senate contained in the foregoing message were acted on separately.

The question being put on concurring in the 1st, 2d, 3d, 4th, 5th, 6th, 7th and 8th,

They were agreed to.

Ordered that the clerk inform the Senate thereof.

A message from the Senate by Mr. Dunn their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House:

No. 254. An act fixing the per diem and mileage of members of the General Assembly;

With the accompanying engrossed amendments of the Senate

In which the concurrence of the House is respectfully requested.

The House agreed to the first engrossed amendment of the Senate thereto.

Mr. Stover moved to concur in the 2d amendment of the Senate, with the following amendment:

Strike out all in relation to the pay of clerks.

Which was disagreed to.

Mr. Graham moved to concur in the Senate's amendment with the following amendment:

"Allow the clerks elected \$4 per day."

Mr. Smith of Marion moved to amend the amendment by adding the clerks and employees.

Which was accepted.

The question then being put on Mr. Graham's amendment,

It was disagreed to.

Mr. Stover moved to amend the amendment of the Senate so as to read the Secretary of the Senate and Principal Clerk of the House;

Which was agreed to.

The amendments of the Senate were concurred in.

Ordered that the Clerk inform the Senate thereof.

By unanimous consent of the House,

Mr. Williams obtained leave and introduced

No. 300. A bill relative to the salaries of public officers, and providing the manner of paying the same;

Which was read a first time and passed to a second reading.

Message from the Senate by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House: No. 80. "A bill for the relief of the poor;"

With the accompanying engrossed amendments of the Senate thereto,

In which the concurrence of the House is respectfully requested.

The amendments were considered separately, and concurred in.

Ordered that the clerk inform the Senate thereof.

On motion by Mr. Behm,

House bill No. 273, A bill to authorize rail road companies to increase the amount of their capital stock;

Was taken from the table.

Mr. Gibson moved to amend the bill as follows:

Sec. —. Such rail road company shall have power to take stock in any branch road connecting therewith, to an amount not exceeding one half the amount necessary for the construction of such branch road.

Which was agreed to.

The bill was then ordered to be engrossed.

House bill No. 278, A bill to extend the time for complying with the provisions of an act entitled "an act for the relief of the persons therein named," approved January 26th, 1847,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beeson, Behm, Bulla, Buskirk, Chowning, Cowgill, Dice, Dobson, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gunn, Hays of White, Henry, Howell, Huey, Huffstetter, Humphreys, Hunt, Lavery, Leviston, Lindsey of Fayette, Manson, McDowell, Miller, Nelson, Porter, Price, Reynolds, Smith of Marion, Smith of Spencer, Spencer, Stover, Torbet, Wells, Wilson, Withers and Mr. Speaker—41.

Those who voted in the negative were,

Messrs. Brady, Cockrum, Gookins, Helmer, Holladay, Hudson, King, Lindsay of Howard, Major, Marrs, Mayfield, Ray, Schoonover, Shanklin, Stanfield, Stuart, Suit, Thompson, Walker, Watson, and Williams—21.

No quorum voted.

The question then recurred on the passage of the bill;
And being put,

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bulla, Buskirk, Carpenter, Chowning, Cowgill, Davis of Franklin, Dice, Dobson, Donaldson, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gunn, Hays of White, Henry, Howell, Hudson, Huey, Huffstetter, Humphreys, Hunt, King, Laverty, Lindsey of Fayette, Manson, Marrs, Mayfield, McDowell, Mudget, Nelson, Porter, Price, Ray, Reynolds, Schoonover, Smith of Marion, Smith of Spencer, Spencer, Stover, Struble, Suit, Taggart, Torbet, Wells, Wilson, Withers, and Mr. Speaker—52.

Those who voted in the negative were,

Messrs. Brady, Bryant, Cockrum, Gookins, Goudy, Hanna, Helmer, Holladay, Leviston, Lindsay of Howard, Major, Sale, Shanklin, Stanfield, Stuart, Sumner, Thompson, Walker, Watson and Williams—20.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

House bill No. 261. A bill regulating the appointment and removal of guardians for minors prescribing their powers and duties, authorizing the sale of the real estate of minors, requiring bond with security to be given by such guardian and authorizing suits on the same,

Was read a third time.

Mr. Doughty moved to recommit the bill with the following instructions.

Amend so as to allow notes and other obligations for the payment of money payable to guardians, to compute interest annually without renewing said notes or obligations;

Which was disagreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beane, Beeson, Brady, Bulla, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Davis of Franklin, Dice, Dobson, Doughty, Douthit, Eccles, Foster, Gibson, Gookins, Goudy, Gunn, Hanna, Hart, Helmer, Henry, Holladay, Holman, Howell, Hudson, Huey, Huffstetter, Humphreys, Hunt, King, Laverty, Lindsey of Fayette, Lindsay of Howard, Major, Manson, Marrs, Mayfield, McAllister, McDowell, Miller, Mudget, Nelson, Porter, Price, Ray, Reynolds, Sale, Schoonover, Shanklin, Smith of Marion, Smith of Spencer,

Spencer, Stanfield, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams, Wilson and Mr. Speaker—72.

Mr. Leviston voted in the negative.

So the bill passed.

On motion by Mr. Gibson,

The title of the bill was amended by striking out the present title and substituting the following: "A bill touching the relation of guardian and ward."

Ordered, that the clerk inform the Senate of the passage of the bill.

House bill No. 290. A bill concerning officers of municipal incorporations;

Was read a second time, and considered as in committee of the whole and reported to the House without amendment.

Mr. Gookins moved to amend the bill by striking out that clause of the bill declaring an emergency for the immediate taking effect of the act.

Mr. Davis of Franklin moved the House adjourn.

Which was disagreed to.

The question being put on Mr. Gookins's proposition,

The ayes and noes were demanded by Messrs. Hudson and King.

Those who voted in the affirmative were,

Messrs. Beane, Carpenter, Cockrum, Cowgill, Gookins, Goudy, Helmer, Holladay, Hudson, King, Lawrence, McDonald, Sale, Scudder, Shanklin, Stanfield, Suit, Watson, and Williams—19.

Those who voted in the negative were,

Messrs. Barker, Beane, Beeson, Brady, Bryant, Bulla, Chowning, Davis of Franklin, Dice, Dobson, Donham, Donnohue, Doughty, Douthit, Eccles, Foster, Gibson, Graham, Gunn, Hanna, Hart, Hays of White, Henry, Holman, Howell, Huey, Huffstetter, Humphreys, Hunt, Laverty, Major, Manson, Marrs, Mayfield, McAllister, McDowell, Nelson, Porter, Ray, Reynolds, Schoonover, Smith of Marion, Smith of Spencer, Stover, Struble, Stuart, Taggart, Torbet, Thompson, Walker, Wells, Wilson, Withers, and Mr. Speaker—54.

So the proposition was disagreed to.

1915

The bill was then ordered to be engrossed.

On motion by Mr. Davis of Franklin,
The House adjourned.

2 o'clock, P. M.

The House met.

A message from the Senate by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill thereof:
No. 176. An act for the incorporation of cities;
In which the concurrence of the House is respectfully requested.

The bill was read a first time.

Mr. Carpenter moved to suspend the rules, and read the bill a second time now by its title.

Those who voted in the affirmative were,

Messrs. Barker, Beane, Beeson, Brady, Bryant, Chowning, Cowgill, Dice, Dobson, Donnohue, Donham, Eccles, Gibson, Graham, Hanna, Hart, Hays of White, Helmer, Henry, Holman, Huey, Hunt, Lawrence, Leviston, Lindsey of Fayette, Major, McAllister, Mudget, Nelson, Porter, Price, Ray, Reynolds, Sale, Schoonover, Scudder, Stover, Struble, Stuart, Sweet, Taggart, Torbet, Walker, Wells, Williams, and Wilson—46.

Those who voted in the negative were,

Messrs. Behm, Bulla, Buskirk, Davis of Franklin, Doughty, Douthit, Foster, Geddes, Gookins, Goudy, Gunn, Hudson, King, Lavery, Lindsay of Howard, Manson, Marrs, Mayfield, McConnell, McDonald, McDowell, Sale, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Suit, Watson, Withers, and Mr. Speaker—30.

So the rule was not suspended.

The bill then passed to a second reading.

On motion by Mr. Gibson,

Senate bill No. 124, a bill to establish and regulate ferries, was taken from the table.

The question being on concurring in the engrossed amendments of the House to said bill,

Mr. Gibson moved that the House recede from its first engrossed amendment;

Which was disagreed to.

The House then refused to recede from its second amendment.

On motion by Mr. Brady,

A committee of Free Conference was ordered.

Messrs. Holman and Williams were appointed said committee.

Ordered that the clerk inform the Senate thereof.

House bill No. 285. A bill providing for the election or appointment of supervisors of highways, &c.

Mr. Howell moved to amend the bill as follows:

Amend 5th line, section 1st, as follows: Strike out "one dollar," and insert "seventy-five cents."

Which was disagreed to.

Mr. Miller submitted the following amendment:

Amend section 31 as follows: Insert in the 4th line, after the word "township," the word "voting."

Strike out all after the word "tax," in the 4th line, and insert the following:

"*Provided, also*, any person taxed under the provisions of this section, shall have the right to work out said tax, at seventy-five cents per day, in the district where such tax accrues, under the direction of the supervisor of said district."

On motion by Mr. Nelson,

The bill and pending amendments were laid on the table.

House bill No. 267, A bill to provide for the opening, vacating and change of highways;

Was taken up.

On motion by Mr. Graham,

The bill was laid on the table.

Mr. English, under the rule, gave notice of a motion for leave to introduce a bill in relation to the taxation of the Wabash and Erie canal.

House bill No. 292, A bill to repeal sections five and six of an act entitled "an act to establish a free turnpike road in Jay county, &c.;"

Was read a second time and considered as in committee of the Whole of the House, and reported to the House without amendment.

Ordered, that the bill be engrossed.

House bill No. 291, A bill to provide for the payment into the State treasury, moneys received on deposit by the Registers and Receivers of the land offices of the United States in this State, for the entry of swamp lands, &c.,

Was read a second time and considered as in committee of the Whole, and reported to the House without amendment.

Mr. Stanfield moved to refer the bill to a select committee.

Mr. Miller moved to refer the bill to the committee on swamp lands.

And the question being put,

It was disagreed to.

The question then being put on referring the bill to a select committee,

It was agreed to.

Messrs. Stanfield, Suit, and Lindsay of Howard, were appointed said committee.

On motion by Mr. Stover,

Senate bill No. 116, A bill establishing general provisions respecting corporations;

Was taken from the table and ordered to a third reading.

Mr. Stanfield called up House bill

No. 173. A bill to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, &c.,

Which was lost some days since on its passage.

Mr. Stanfield moved to refer the bill to a select committee, with the following instructions:

Strike out the provision in the bill requiring the tax for county purposes or railroads, &c., to be divided amongst the several counties in proportion to the length of such work in each county, and provide for the distribution in proportion to the value of the superstructure and buildings in each county to be given in by the President or agent of the company.

Strike out of the bill all that relates to taxation of the Wabash and Erie Canal.

Mr. Donaldson moved to amend the instructions as follows:

Provided, That no land sold by the general government shall be taxed until five years from the date of entry.

Mr. King moved to amend the amendment as follows:

Strike out "of the superstructure and buildings" and insert "cost of construction of such road and all buildings and appurtenances."

Which was disagreed to.

Mr. Smith of Spencer moved to amend the amendment by inserting "canal lands."

Which was disagreed to.

The question then recurred on Mr. Donaldson's amendment.

And being put ;

It was disagreed to.

Mr. Holman moved to amend the instructions as follows:

After the word "canal" insert "and other canals."

And the question being put;

The ayes and noes were demanded by Messrs. Holman and McDonald.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Buskirk, Chowning, Cockrum, Cowgill, Dice, Dobson, Donham, Donnohue, Douthit, Eccles, Gibson, Gookins, Hanna, Hart, Hay of Clark, Hays of White, Henry, Holman, Howell, Hudson, Huey, Huffstetter, Humphreys, Lawrence, Leviston, Lindsey of Fayette, Major, Marrs, McDonald, McDowell, Miller, Porter, Ray, Reynolds, Sale, Schoonover, Smith of Marion, Smith of Spencer, Stover, Struble, Stuart, Taggart, Torbet and Mr. Speaker—49.

Those who voted in the negative were,

Messrs. Behm, Bryant, Bulla, Carpenter, Donaldson, Doughty, Geddes, Goudy, Graham, Gunn, Helmer, Holladay, Hunt, King, Laverty, Lindsay of Howard, Manson, Mayfield, McAllister, Nelson, Price, Scudder, Shanklin, Stanfield, Suit, Sumner, Sweet, Thompson, Walker, Watson, Wells, Williams, Wilson and Withers—34.

So the amendment was agreed to.

Mr. Hudson moved to amend the instructions as follows, viz:

Strike out the words "of the superstructure and buildings," and insert the following words: "Of the stocks taken."

And the question being put,

The ayes and noes were demanded by Messrs. Hudson and King.

Those who voted in the affirmative were,

Messrs. Bulla, Carpenter, Cowgill, Doughty, Gookins, Gunn, Holladay, Holman, Hudson, King, Laverty, Lawrence, Manson, Marrs, Mayfield, Nelson, Stover, Suit, and Torbet—19.

Those who voted in the negative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Buskirk, Chowning, Dice, Dobson, Donaldson, Donham, Donnohue, Douthit, Eccles, Foster, Graham, Hanna, Hart, Hay of C., Hays of W., Helmer, Henry, Howell, Huey, Huffstetter, Humphreys, Hunt, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, McAllister, McConnell, McDonald, McDowell, Miller, Porter, Price, Ray, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield,

Struble, Stuart, Sweet, Taggart, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—58.

So the amendment was disagreed to.

Mr. Carpenter moved to amend the instructions as follows: "So as not to include the iron for the superstructure owned by residents."

Which was disagreed to.

Mr. Doughty moved to amend the the instructions as follows:

Amend in the proper place so that no person or corporation shall be taxed for that which they do not own.

Which was disagreed to.

Mr. King moved to amend the instructions as follows:

Strike out all in relation to tax on rail roads being paid into county treasuries, and, in lieu of said county taxes, provide that ten cents on the hundred dollars' value of stock in addition to State tax, be paid into the State treasury for the benefit of the common school fund.

Mr. Lindsay of Howard, moved to amend the amendment by striking out "ten," and insert "twenty" cents.

Which was agreed to.

Mr. McDonald moved to amend the amendment by striking out "twenty," and insert "forty."

Which was disagreed to.

The question being put on the adoption of Mr. King's amendment, The ayes and noes were demanded by Messrs. King and Suit.

Those who voted in the affirmative were,

Messrs. Bryant, Bulla, Carpenter, Cowgill, Doughty, Goudy, Graham, Gunn, Holladay, Holman, Humphreys, King, Lawrence, Leviston, Marrs, McConnell, Miller, Nelson, Sale, Suit, and Sumner—21.

Those who voted in the negative were,

Messrs. Barker, Beach, Beeson, Beane, Brady, Buskirk, Chowning, Cockrum, Dice, Dobson, Donaldson, Donham, Donnohue, Douthit, Eccles, Foster, Geddes, Gookins, Hart, Hay of Clark, Hays of White, Helmer, Henry, Howell, Huey, Huffstetter, Hunt, Lavery, Lindsay of Howard, Major, Mayfield, McAllister, McDonald, McDowell, Porter, Price, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Struble, Stuart, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams, Wilson, Withers and Mr. Speaker—56.

So the amendment was disagreed to.

The question then recurred on recommitting the bill with the instructions;

And being put,

The ayes and noes were demanded by Messrs. Stanfield and Doughty.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Bulla, Buskirk, Chowning, Cockrum, Cowgill, Dice, Dobson, Donham, Donnohue, Douthit, Eccles, Foster, Hart, Hay of Clark, Hays of White, Helmer, Henry, Holman, Howell, Huey, Huffstetter, Humphreys, Hunt, Lavery, Lindsay of Howard, Major, McAllister, McConnell, McDonald, McDowell, Miller, Mudget, Nelson, Porter, Price, Ray, Reynolds, Sale, Schoonover, Scudder, Smith of Marion, Smith of Spencer, Stanfield, Struble, Stuart, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams, Withers, Wilson, and Mr. Speaker—60.

Those who voted in the negative were,

Messrs. Bryant, Carpenter, Donaldson, Doughty, Geddes, Gookins, Goudy, Graham, Gunn, Holladay, Hudson, King, Lawrence, Levison, Manson, Mayfield, Shanklin, Suit, and Sumner—19.

So the bill was recommitted with the instructions.

Messrs. Stanfield, Buskirk and Hunt, were appointed said committee.

A message from the Senate by Mr. Dunn their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has receded from its disagreement to the 8th, 9th, 11th, 13th, 14th, 19th and 21st engrossed amendments of the House to engrossed bill of the Senate No. 169, "a bill to revise, simplify, and abridge the rules, practice, pleadings, and forms in civil cases in the courts of this State, &c.;" and that the Senate insist upon their disagreement to the 1st, 2d, 5th, 6th, 10th, 12th, 16th, 17th, 27th, 28th, 31st and 32d engrossed amendments of the House to said bill, and have appointed Messrs. Emerson and Hetser a committee of free conference to act with a similar committee already appointed upon the part of the House.

A message from the Governor, by Mr. King, his Executive messenger :

MR. SPEAKER :

I am directed by the Governor to inform the House of Representatives that he has approved and signed the following bills, to-wit :

No. 271. An act giving validity to a certain class of contracts.

No. 257. An act in relation to county auditors.

No. 155. An act to provide for the regulation of the running at large of all kinds of animals, within the different townships in the different counties of the State; and to provide for the taking up, impounding, and selling of all such animals as shall not be allowed by law to run at large.

Which bills originated in the House of Representatives.

On motion by Mr. McDonald,
The House adjourned.

WEDNESDAY MORNING, 8 o'clock, }
June 2, 1852. }

The House met.

The clerk proceeded to read the Journal.

When,

On motion by Mr. Doughty,
The further reading thereof was dispensed with.

PETITIONS AND REMONSTRANCES PRESENTED.

By Mr. Smith of Marion:

The remonstrance of voters of Franklin township, Marion county, against the passage of the Maine liquor law.

Which,

On motion,
Was referred to the committee on Temperance.

Mr. Nelson introduced No. 32, a joint resolution in relation to the extension of time for the payment of claims due from certain citizens of this State to the bond holders;

Which was read a first time and passed to a second reading.

ORDERS OF THE DAY.

On motion by Mr. Torbet,
House bill No. 290, a bill concerning officers of municipal in-
corporations,

Was taken up and read a third time.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beane, Beeson, Behm, Brady, Bryant, Bulla, Bus-
kirk, Chowning, Cockrum, Crawford, Dice, Donaldson, Donnohue,
Doughty, Donthit, Eccles, Foster, Geddes, Goudy, Graham, Gunn,
Hanna, Hart, Helmer, Henry, Holladay, Holman, Howell, Hudson,
Huey, Huffstetter, Humphreys, Laverty, Lawrence, Lindsey of
Fayette, Lindsay of Howard, Manson, Marrs, Mayfield, McAllister,
McDonald, McDowell, Nelson, Porter, Price, Ray, Reynolds, Sale,
Schoonover, Shanklin, Smith of Marion, Staton, Stover, Struble,
Stuart, Sumner, Sweet, Taggart, Torbet, Walker, Watson, Wells,
Williams, Wilson, Withers, and Mr. Speaker—67.

Those who voted in the negative were,

Messrs. Cowgill, Davis of Franklin, Gookins, Hay of Clark and
Hunt—5.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

On motion by Mr. Behm.

Senate bill No. 182, a bill supplemental to an act entitled "an act
to create a special term of the Tippecanoe circuit court;

Was taken up and read a third time.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant,
Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford,
Davis of Franklin, Dice, Dobson, Donaldson, Donham, Donnohue,
Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Goudy,
Graham, Gunn, Hanna, Hart, Hay of Clark, Helmer, Henry, Holla-
day, Holman, Howell, Hudson, Huey, Huffstetter, Humphreys, Hunt,
King, Laverty, Lawrence, Lindsey of Fayette, Lindsay of Howard,
Major, Manson, Marrs, Mayfield, McAllister, McDonald, McDowell,
Miller, Nelson, Porter, Price, Ray, Reynolds, Sale, Schoonover,

Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Torbet, Walker, Watson, Williams, Wilson, Withers, and Mr. Speaker—82.

No person voted in the negative.

So the bill passed.

Ordered, that the Clerk inform the Senate thereof.

No. 284. A bill to authorize the township trustees to construct levees and assess a tax therefor;

Was read a third time.

By unanimous consent of the House,

On motion by Mr. Williams,

The bill was amended as follows:

Insert in the proper place—

SEC. —. If a vacancy shall occur in the office of director, the other members of the board shall fill the same by appointment, to continue until the next annual election and until his successor is elected and qualified.

By unanimous consent of the House,

On motion by Mr. Donaldson,

The bill was amended as follows:

Strike out "ten" in the 1st section and insert "five."

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Bryant, Buskirk, Chowning, Crawford, Dice, Donaldson, Donham, Donnohue, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Holladay, Holman, Howell, Huey, Huffstetter, Humphreys, Hunt, King, Laverty, Lawrence, Lindsey of Fayette, Major, Manson, Marrs, Mayfield, McAllister, McDonald, McDowell, Miller, Nelson, Porter, Price, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stover, Struble, Stuart, Suit, Sumner, Sweet, Torbet, Walker, Watson, Wells, Williams, Wilson, and Withers—72.

Those who voted in the negative were,

Messrs. Carpenter, Cockrum, Cowgill, Davis of Franklin, Lindsay of Howard, Manson and Ray—7.

So the bill passed.

On motion by Mr. Williams,

The title of the bill was amended by striking out the present title and substituting the following:

A bill to construct levees and drains.

Ordered that the Clerk inform the Senate of the passage of the bill.

Mr. Stanfield, from a select committee, made the following report:

MR. SPEAKER:

The select committee, to whom was referred House bill No. 173, with instructions to make sundry amendments thereto, have directed me to report that they have, in obedience to said instructions, amended such bill, and when such amendments are adopted, they recommend its passage.

Which report was concurred in.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Brady, Buskirk, Chowning, Dice, Donnohue, Douthit, Eccles, Hanna, Hart, Hays of White, Helmer, Henry, Holman, Howell, Huey, Huffstetter, Humphreys, Hunt, Lavery, Major, McAllister, McConnell, McDonald, McDowell, Miller, Nelson, Porter, Price, Ray, Reynolds, Sale, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Struble, Stuart, Sweet, Taggart, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—51.

Those who voted in the negative were,

Messrs. Beeson, Behm, Bryant, Bulla, Carpenter, Cockrum, Cowgill, Dobson, Donaldson, Doughty, Foster, Geddes, Gibson, Gookins, Goudy, Graham, Gunn, Hay of Clark, Holladay, Hudson, King, Lawrence, Lindsay of Howard, Lindsey of Fayette, Manson, Marrs, Mayfield, Scudder, Stover, Suit, and Sumner—31.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

House bill No. 273, a bill to authorize railroad companies to increase the amount of their capital stock;

Was read a third time.

Mr. Beach moved to recommit the bill with the following instructions:

Strike out "\$25,000," and insert "\$15,000," exclusively for railroad purposes."

Mr. Holman moved to amend the instructions as follows:

SEC. —. To enable any company to avail itself of the benefits of this act, it shall surrender all the special powers contained in its act of incorporation, and shall be restricted to the powers and franchises contained in the general railroad law, as to all acts subsequently to be done, or powers to be exercised.

The question being put,

The ayes and noes were demanded by Messrs. Holman and King.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Brady, Chowning, Crawford, Dice, Dobson, Donham, Douthit, Eccles, Foster, Hanna, Hart, Henry, Holman, Howell, Huey, Huffstetter, Humphreys, Lawrence, Major, McAllister, McConnell, McDowell, Miller, Mudgett, Nelson, Porter, Ray, Reynolds, Scudder, Smith of Marion, Stuart, Sweet, Taggart, Wells, and Williams—38.

Those who voted in the negative were,

Messrs. Barker, Behm, Bryant, Bulla, Carpenter, Cockrum, Cowgill, Davis of Franklin, Donaldson, Donnohue, Doughty, Gibson, Geddes, Goudy, Graham, Gunn, Hay of Clark, Hays of White, Helmer, Holladay, Hudson, Hunt, King, Laverty, Leviston, Lindsey of Fayette, Lindsay of Howard, Manson, Marrs, Mayfield, Price, Sale, Shanklin, Smith of Spencer, Stanfield, Staton, Stover, Struble, Suit, Walker, Watson, Wilson, and Withers—42.

So the amendment was disagreed to.

By unanimous consent of the House,

The bill was amended in accordance with the instructions proposed by Mr. Beach.

The question then recurred on the passage of the bill,

And being put,

Those who voted in the affirmative were,

Messrs. Beach, Beeson, Behm, Bryant, Carpenter, Cockrum, Cowgill, Davis of Franklin, Donaldson, Donnohue, Doughty, Douthit, Geddes, Gibson, Goudy, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Hunt, King, Laverty, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Marrs, Mayfield, Price, Sale, Scudder, Smith of Spencer, Stanfield, Staton, Stover, Struble, Suit, Walker, Watson, Wilson, Withers, and Mr. Speaker—44.

Those who voted in the negative were,

Messrs. Barker, Beane, Brady, Bulla, Chowning, Crawford, Dice, Dobson, Donham, Eccles, Foster, Hart, Henry, Holladay, Holman, Howell, Huey, Huffstetter, Humphreys, Major, Manson, McAllister, McConnell, McDowell, Miller, Mudgett, Nelson, Porter, Ray, Reynolds, Schoonover, Shanklin, Smith of Marion, Stuart, Sumner, Sweet, Taggart, Torbet, Wells, and Williams—40.

So the bill did not pass.

By unanimous consent of the House,

Mr. King, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom House bill No. —, an act regarding estrays and articles adrift, was referred, reports the same back to the House, with several amendments, upon the adoption of which it recommends the passage of the bill.

1st. Amend sections 6, 7 and 8, by striking out the words "twenty dollars," where they occur in said sections, and insert "ten dollars."

2d. In section 16, strike out all after the words "sold or reclaimed," and insert the following: "The taker up shall be allowed as follows: for every horse, mule or ass, two dollars per month from the first day of November until the first day of May, and not more than one dollar per month from the first day of May until the first of November; nor more than seventy-five cents per month for each head of neat cattle; and such taker up shall keep account of the time any stray animal is kept by him, and make oath of the same.

3d. Insert after section 22 the following sections:

SEC. 23. Whenever, upon any navigable waters within or bordering on this State, the cargo which may have been shipped as freight, or the baggage of passengers, or part thereof, of any vessel may be cast adrift, afloat or ashore by any wreck, accident or mischance of such vessel, such cargo or part thereof as may have been taken up, and secured by any person, may be reclaimed by the captain, clerk or officer navigating such vessel, the supercargo, owner or agent of the owner of such cargo or baggage, who may be the claimant thereof.

SEC. 24. Such property shall be surrendered to such claimant upon proof or circumstances satisfactory to the taker of the property of the right of such claimant, having a general or special property, agency or control therein, upon the payment by such claimant of reasonable compensation for services and expenses in the taking and preserving such property.

SEC. 25. Should such person, or the person having possession of

the property refuse to restore it to the claimant, or claim unreasonable compensation for his services and expenses in its taking up and preservation, the claimant may have a summary proceeding before any disinterested justice of the peace for the recovery of such property.

SEC. 26. The claimant must file before the justice an affidavit of the facts attending the wreck or accident, enumerating as nearly as possible the articles or packages withheld, his right to receive the same, and thereupon the justice shall summon the person taking up, or in possession of such property, to appear before him at a place, and at the earliest practicable period, not more than three days, to be designated in the writ.

SEC. 27. Such justice shall hear and determine the matters in controversy, in the most speedy manner practicable, as other proceedings are had before him, and may fix the amount of compensation to be paid by such claimant, and award a writ or writs for the delivery of the same forthwith to such claimant, upon payment of such compensation.

SEC. 28. Such trial shall be governed by the usual rules of procedure before justices, except as to the continuance, and appeals may be taken by either party upon the same terms, and under the same regulations as appeals in other cases are taken.

SEC. 29. The provisions of the sections of this chapter, prior to section twenty-three, relative to articles adrift, shall not apply to the cases contemplated in said section twenty-three.

The amendments were considered separately.

The first and second amendments were concurred in.

On motion by Mr. Brady,

The bill and third amendment were laid on the table.

By unanimous consent of the House,

Mr. Doughty obtained leave and introduced

No. 301. A bill regulating appeals from the awards of arbitrators in certain cases;

Which was read the first time and passed to a second reading.

On motion,

Leave was granted Mr. Lindsay of Howard to record his vote on the passage of House bill No. 173. He voted in the negative.

On motion by Mr. Hudson,

Senate bill No. 153, A bill providing for the settlement of decedents' estates, &c.,

Was taken up.

On motion by Mr. Hudson,

The vote taken ordering the said bill to a third reading,

Was reconsidered.

Mr. Hudson submitted the following amendment:

Strike out section 64, and insert—

No claim against an estate shall be allowed on the affidavit of the claimant alone, if the executor or administrator require further testimony; and the claimant may be examined under oath touching such claim, if requested by such executor or administrator.

In section 105, after the words "expenses of administration," insert "funeral expenses, and expenses of last sickness."

Strike out in the 14th line of same section, the words "or paid into court."

Which was agreed to.

Mr. Holman moved to amend the 64th section as follows:

Insert after the section—

SEC. —. No execution shall issue on any judgment or allowance of a claim, against an estate: *Provided*, That this section shall not affect any judgment rendered against the deceased in his lifetime.

Which was agreed to.

Mr. Holman submitted the following amendment:

In the form of settlement sheet, insert "amount of sale bill;"

"Interest accrued on notes taken at sale of personal estate;"

"Interest accrued on notes taken on sale of real estate;"

"Interest accrued on all other claims in favor of estate."

Which was agreed to.

Mr. Gibson moved to amend the bill by adding to the engrossed amendment, in section 132, "and funeral expenses."

Mr. Manson moved to amend the amendment, by adding "and last sickness, providing it does not exceed \$25."

On motion by Mr. Gibson,

The amendment to the amendment was laid on the table.

Mr. Doughty moved to lay the amendment on the table.

And the question being put,

The ayes and noes were demanded by Messrs. Gibson and Doughty.

Those who voted in the affirmative were,

Messrs. Beach, Beeson, Brady, Chowning, Davis of Franklin, Dobson, Donaldson, Donnohue, Doughty, Douthit, Geddes, Goudy, Hanna, Hay of Clark, Holladay, Howell, Huey, Huffstetter, Humphreys, Hunt, Leviston, Lindsay of Howard, Major, Manson, Marrs, McDowell, Reynolds, Scudder, Smith of Marion, Smith of Spencer, Stover, Suit, Sumner, Torbet, Watson, Wells, Williams, Wilson and Withers—39.

Those who voted in the negative were,

Messrs. Barker, Bryant, Bulla, Carpenter, Cockrum, Cowgill, Dice, Donham, Eccles, Foster, Gibson, Gookins, Graham, Gunn, Hart,

Helmer, Henry, Holman, Hudson, King, Laverty, Lawrence, Lindsey of Fayette, Mayfield, McAllister, Nelson, Ray, Sale, Schoonover, Shanklin, Stanfield, Struble, Stuart, Sweet, Taggart, Thompson, Walker and Mr. Speaker—39.

So the amendment was not laid on the table.

The question then recurred on the adoption of the amendment ;

And the being put,

The ayes and noes were demanded by Messrs. Gibson and Stover.

Those who voted in the affirmative were,

Messrs. Barker, Beane, Bryant, Bulla, Carpenter, Cockrum, Cowgill, Crawford, Dice, Dobson, Donham, Eccles, Foster, Gibson, Graham, Gunn, Hart, Helmer, Henry, Hudson, Huffstetter, Humphreys, King, Laverty, Lindsey of Fayette, Manson, Mayfield, McAllister, McDowell, Miller, Price, Ray, Reynolds, Schoonover, Spencer, Stanfield, Staton, Struble, Stuart, Suit, Sweet, Taggart, Thompson, Walker, Williams, and Mr. Speaker—46.

Those who voted in the negative were,

Messrs. Beach, Beeson, Brady, Chowning, Donaldson, Doughty, Douthit, Geddes, Gookins, Goudy, Hanna, Hay of Clark, Holladay, Holman, Howell, Huey, Hunt, Lawrence, Leviston, Lindsay of Howard, Major, Marrs, Nelson, Porter, Sale, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stover, Sumner, Torbet, Watson, Wells, Wilson, and Withers—36.

So the amendment was agreed to.

The bill was then ordered to a third reading.

On motion by Mr. Holman,

The bill was ordered to be read a third time now.

The clerk proceeded to read the bill, when,

Mr. McDowell moved to reconsider the vote ordering the bill to be read ;

Which motion did not prevail.

Mr. Hanna moved the House adjourn ;

Which was disagreed to.

The bill being partly read ;

On motion by Mr. Holman,

The House adjourned.

2 o'clock, P. M.

The House met

The Speaker being absent ;

On motion by Mr. Douthit,

Mr. Brady was called to the chair.

The House resumed the consideration of Senate bill No. 153.

The bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Brady, Bryant, Bulla, Buskirk, Chowning, Cowgill, Dice, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gookins, Hanna, Hart, Hays of White, Helmer, Henry, Holman, Howell, Hudson, Huey, Huffstetter, Humphreys, Hunt, Lawrence, Leviston, Lindsey of Fayette, Major, Manson, Marrs, Mayfield, McAllister, McConnell, Miller, Nelson, Price, Ray, Reynolds, Sale, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stover, Struble, Stuart, Sumner, Sweet, Taggart, Thompson, Torbet, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—64.

Those who voted in the negative were,

Messrs. Barker, Carpenter, Cockrum, Crawford, Cromwell, Davis of Franklin, Dobson, Gibson, Goudy, Graham, Gunn, Hay of Clark, Holladay, Lindsay of Howard, McDowell, Mudget, Schoonover, Stanfield, and Walker—19.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

Mr. English, in pursuance of previous notice, obtained leave and introduced

No. 302. A bill in relation to the assessment and taxation of the stock of canal companies;

Which was read a first time and passed to a second reading.

Mr. McConnell, chairman of the committee on Fees and Salaries, made the following report:

MR. SPEAKER:

The select committee on Fees and Salaries, to whom was referred

bill of the House No. 283, entitled "An act regulating the fees of officers," have had the subject of the said bill under consideration, and have instructed me to report the same back to the House, with the accompanying amendment, and recommend its passage.

Amendment to House bill No. 283.

Strike out the bill from the enacting clause and insert the following:

That the persons and officers herein mentioned, shall be entitled to receive for their services the fees herein allowed, and no others, except otherwise provided by law.

Clerk's Fees in the Supreme Court.

Every writ or process, and seal.....	1 00
Every process or summons, not sealed.....	50
Endorsing on writ of error, or summons under writ of error, that it is to operate as a supersedeas.....	5
Filing each paper in a case.....	5
Copy of a record or other paper, per sheet of 100 words; or, if the whole number of words in such copy be less than one hundred.....	10
Discontinuance or retraxit.....	10
Bringing a particular record into court.....	25
Entering satisfaction of record.....	10
Receiving and entering verdict.....	10
Entering defendant's appearance.....	5
Entering on docket.....	15
Entering judgment.....	20
Swearing each witness, constable or bailiff.....	5
Making up or entering a complete record, after judgment, per sheet of 100 words.....	20
Searching the record, within one year.....	10
Every year back.....	5
On confession of error, judgment or default.....	25
Continuing cause.....	20
Every issue joined.....	25
Entering any principal motion.....	10
Certificate and seal.....	50
Every bond.....	50
Making out advertisement for non-resident defendant.....	50
Every hundred words contained in any writing, required by law to be done by him, and for which there is no specific allowance.....	10
For recording deeds or other writings, when required, per one hundred words.....	10
For each trial.....	25
Indorsing on supersedeas or writ of error, directions to the clerk of the inferior court.....	25

Docketing judgment.....	15
Taking bail for stay of execution.....	25
Issuing fee bill for fees not his own.....	50

For services not specifically provided for in this act, such clerk shall be entitled to the same fees as are by law allowed for similar services.

Clerk's Fees in the Circuit and Common Pleas Courts.

For every writ, summons, or other process.....	50
Entering action.....	5
Filing complaint, or other pleading, or paper.....	5
Copy of complaint, or other pleading, when required, or of any order, rule, record or other paper, per sheet of 100 words, or if the whole number of words be less than 100,	10
Entering any motion and rule thereon.....	10
Discontinuance or retraxit.....	10
Bringing a particular record into court.....	10
Entering satisfaction of record.....	10
Receiving and entering judgment.....	10
Entering judgment.....	20
Transcript of record, and returning it with the writ, per sheet of 100 words.....	20
Entering defendant's appearance.....	5
Every writ of inquiry, per sheet of 100 words.....	10
Entering on docket.....	15
Receiving and entering the petit panel, and swearing the jury	10
Entering fees, except his own, on fee docket, per 100 words	10
Swearing each witness, constable or bailiff.....	5
Making up and entering a complete record, after judgment, per 100 words.....	10
Searching the record, within one year.....	10
Every year back.....	5
Entering report of referees, per 100 words.....	10
Entering rule of court, and appointing referees.....	20
Entering every special continuance of a cause.....	15
On the surrender of a principal in court by sureties.....	15
Entering each principal motion.....	10
Every issue joined.....	25
On drawing special list of jury attending, striking and mak- ing copies of jury list, for plaintiff or defendant.....	50
Making out advertisement for a non-resident defendant, or on libel for divorce.....	50
For a marriage license, and recording certificate of marriage	1 00
Recording certificate of an estray, and advertising same....	50
Writ of ad quod damnum.....	1 00

Taking bail for stay of execution.....	25
Copy of a judgment to operate as a lien on real estate in another county	50
Issuing fee bill for fees other than his own.....	50
Filing and recording transcript as a lien on real estate.....	50
For every hundred words of the record transcribed in a writ of venditioni exponas or scire facias	10
Entering a writ of error or certiorari from the supreme court	10
Making examination, registering and certifying to each negro or mulatto, as required by law, to be paid out of the county treasury, for each	25
Each certificate to a person desirous of borrowing school funds, as required by the school law, to be paid by such person	25
Writing an affidavit, and swearing affiant thereto.....	25
Every trial of an issue or issues of fact.....	25
Certificate and seal.....	50
Reading and entering each order.....	10
Every other writing required by law, for which there is no specific allowance, per every hundred words	10

For all services not specifically provided for in this act, except in relation to estates, the clerk shall be allowed the same fees as are by law allowed him for similar services.

Clerk's Fees in Criminal Proceedings.

For taking recognizance and drawing it up in form.....	50
Every writ or other process	50
Entering defendant's appearance	5
Making up record, per sheet of 100 words	10
Copy of record, when required, per sheet of 100 words....	10
Every order or rule of court.....	10
Filing record.....	10
Entering the panel and swearing the jury	25
Swearing each witness, constable or bailiff.....	5
Taking and entering verdict	10
Entering defendant's confession	20
Copies of indictments and pleadings, if required, per 100 words	10
Discharging a recognizance.....	10

For services in criminal cases, not specifically provided for, the same fees as are allowed for similar services in civil cases.

Clerk's fees in relation to estates.

For all copies, per 100 words.....	10
Administering an oath.....	5
Filing a paper.....	5
For a citation.....	50
For a letter of administration, and recording and filing the same.....	1 00
Proving a will and endorsing a certificate thereon.....	1 00
Qualifying administrators, taking bonds, and writing certificates.....	1 00
Proving codicil, if proved separately, endorsing certificate, recording and filing the same.....	1 00
Recording inventory or account, per 100 words.....	10
Giving notice by order of the court for sale of land, for every advertisement, not exceeding three.....	25
Entering up an order for the appraisers of decedent's estates.....	10
Recording will, per 100 words.....	20
Rendering account of money received and paid out for each estate each time.....	25
Rendering each final settlement account.....	50
Writing affidavit and swearing affiant.....	10
Making up records and entries, not herein provided for, for each 100 words.....	10

Sheriffs' Fees.

For serving a writ and taking into custody.....	50
For every mile traveled, in going and returning, to serve process.....	6
Taking bail.....	25
Taking a recognizance and drawing it up in form.....	50
Returning every writ.....	10
Summoning jury, with mileage as above.....	75
Executing such writ of possession.....	1 00
Calling a jury in each cause.....	10
For every person committed to jail.....	50
Discharging every person out of jail.....	40
Holding an inquisition, drawing up and returning the same.....	1 50
Serving a summons.....	30
Attending a prisoner before a judge when surrendered by his bail, and receiving the prisoner into custody.....	50
Boarding each prisoner, per day.....	30
Selling property on execution, a commission of five per centum, on the first \$300, and two per centum on any excess.....	

above that amount; but when the money is paid him to without sale, one half commissions, only, shall be allowed.	
Taking a valuation of lands.....	75
Taking a replevin bond.....	75
Serving a capias ad satisfaciendum.....	1 00
Levying on property, and advertising the same without sale,	1 00
Mileage as above when no money is made, and no other fee or reward shall be allowed on executions, except for the expense of keeping property.	
Making a deed on sale of real estate on execution.....	2 00
Serving a writ of attachment.....	50
Returning writ of attachment.....	25
Sheriffs not to be entitled to any fees for services performed by their bailiffs when such bailiffs are receiving pay by the day from the county at the time such services are rendered.	
For postage paid on letters received from, or directed to the clerk of the Supreme court, enclosing process issued by said court, the amount thereof to be returned as an item of charge.	
In criminal cases not provided for, the like fees as for services in civil cases.	
For collecting a fee bill 6 per cent. on the amount thereof.	
For taking a convict to the State's Prison and all expenses incident to the same, per mile, to be paid out of the State Treasury	25
For each additional convict taken at the same time, per mile	15
For taking a prisoner to another county, such fee as the board doing county business, in the county whence the prisoner was taken, may in their discretion allow, out of the funds of said county.	

Fees of the Secretary of State.

For recording each bond.....	25
For all copies of records, laws and papers, per 100 words...	10
For each certificate and seal.....	50

Such fees to be paid by the persons for whom the services are rendered: *Provided, however*, such Secretary shall in no case be entitled any fee as above provided, except when the services rendered are for a private person, and not for the State or any county, or officer of either, except notaries public.

For issuing commission to a notary public, and recording his bond, &c.....	75
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Recorder's Fees.

For recording deeds and mortgages, and the acknowledgment thereof, for the first hundred words.....	30
For each additional hundred words.....	10
For making abstract of each deed.....	10
For indexing each deed.....	10
For certificate not under seal of acknowledgment of deeds and mortgages.....	25
For certificate and seal.....	50
For recording all other instruments, and giving certified copies of any record, for each 100 words.....	10
For recording town plats for each 100 lots or under.....	2 00
Each additional lot.....	1

County Auditor's Fees.

For all records, copies and other writings, for each 100 words, (counting three figures for one word,).....	10
Filing each paper.....	5
Each county order.....	5
Each transfer of deeds.....	10
Tax certificate.....	25
Each record of an agreement.....	25
Each acknowledgment of a deed, to be paid by the person for whom the service is rendered.....	25
Assignment of tax certificate and recording the same.....	25
Making copy of the tax duplicate, for each one hundred words, (counting three figures as one word).....	8
Administering an oath.....	5
Each tax deed, to be paid by the person receiving such deed	1 00
Each special constable's bond, oath and registration of same, to be paid by such constable.....	1 00
Each certificate and seal, to be paid by the person requesting the same.....	50
Each mortgage to secure a loan of school fund, to be paid by the mortgagor.....	50
For each tract or parcel of land sold for taxes.....	50
Writing any affidavit, necessarily connected with the business of his office, and swearing affiant thereto.....	25
Each merchant's or other license.....	50
Each road tax list.....	25
Registering receipt given by the treasurer for money.....	5
Each bond taken in the discharge of his official duties.....	30
Each quietus for land redeemed, to be paid by the person redeeming.....	20
Each quietus for a treasurer's receipt.....	5

Each writ, notice, or process required to be under seal.....	50
If same be not under seal.....	25
Each day engaged in the county board of equalization.....	1 50

In trials before the board of county commissioners, the auditor shall be entitled to the same fees as are allowed clerks of the circuit court for similar services, where no specific fee is fixed in this act, which shall be paid by the county or other person, as the right of the case may be, as such board or court may order.

County Treasurer's Fees.

For collecting taxes shall be—

Eight per cent. on the first one thousand dollars.	
Seven per cent. on the amount between one and two thousand dollars.	
Six per cent. on the amount between two and three thousand dollars.	
Five per cent. on the amount between three and four thousand dollars.	
Four per cent. on the amount between four and five thousand dollars.	
Three per cent. on all sums over five thousand dollars.	
Two and one-half per cent. for securing and paying out all moneys other than taxes, and school fund.	
For every mile traveled in going and returning to make settlements with the Treasurer and Auditor of State, and to make deposits of State revenue under the instructions of such Treasurer and Auditor	8
For each tract or parcel of land sold for taxes.....	50

County Commissioner's Fees.

For each day's attendance as a member of the county board, or of the board of equalization, each commissioner shall receive	3 00
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County Surveyor's Fees.

For every corner by him located or perpetuated,.....	1 00
For every line run in dividing and running up sections or parts of sections, per mile,.....	1 00
Where more than four corners are to be perpetuated in the same section, for each additional corner, only.....	50

For going to, and returning from a review, per mile,.....	05
Attending court, per day,.....	1 25
Surveying a town lot,.....	1 00
Every additional lot surveyed at one time,.....	25
Running a division line, one mile or under,.....	1 00
Surveying an acre of land, or under,.....	1 50
Services in locating roads, by authority of law, per day,...	2 50
Copy of a plat of land, or certificate of survey,.....	25
Making out a complete report of the survey made of any road, including field notes, &c.,.....	50
If such survey exceeds five miles,.....	1 00
In all surveys made by authority of the board of county com- missioners, or township trustees, chain bearers and axemen shall receive, per day,.....	1 00

Prosecuting Attorney's Fees.

Docket fee in court of common pleas (on a plea of guilty,)...	4 00
“ “ before justice of the peace,.....	2 50
“ “ in divorce cases,.....	10 00
“ “ in exparte cases of persons of unsound mind,...	10 00
“ “ or forfeited recognizance, in court of common pleas,.....	5 00
“ “ in circuit court,.....	10 00
“ “ in all bastardy cases,.....	10 00
“ “ in cases in circuit court on plea of guilty,.....	5 00
“ “ in cases in circuit court on plea of not guilty,...	10 00
“ “ in cases in court of common pleas on plea of not guilty,.....	5 00
In all other cases not specified, when the prosecuting attorney is required to prosecute or defend, the fee shall be, in the circuit court,.....	10 00
And in the court of common pleas,.....	5 00

Constable's Fees in Civil Cases.

For serving a summons or warrant on each person named therein,.....	25
Traveling to serve process, or subpœna, or other writ, per mile,.....	06
Where two or more are named in such process, mileage shall be allowed for the distance necessarily traveled.	
A copy of the process left at the defendant's residence,.....	25
Serving a subpœna, for each person therein named,.....	20
Returning each writ,.....	05
Bail bond,.....	25

Serving execution, and mileage as above,.....	25
Commitment to prison,.....	25
Sale of goods, when the amount does not exceed six dollars,.	25
On all sums above six dollars, five per centum.	
On all moneys collected on execution, without sale, to such constable half the above commissions.	
Returning execution,.....	10
Summoning a jury in any case,.....	25
Attending a jury trial before a justice,.....	25
Posting up advertisement of sale,.....	15

Constable's Fees in Criminal Cases.

For serving a warrant on each person named therein,.....	50
Serving a subpœna,.....	20
Traveling to serve any process, per mile,.....	06
Attending an examination or trial of a person charged with crime or misdemeanor,.....	25
If more than one, an addition for each, of commitment of each person,.....	25
And for each mile necessarily traveled,.....	05
For services not herein enumerated, the same fees as in civil cases.	

Fees of Justices of the Peace.

For each summons or capias,.....	25
Every examination on a criminal information on oath,.....	50
Swearing each witness,.....	05
Every warrant in a criminal case,.....	25
Every trial on complaint for unlawful detention of lands or tenements,.....	1 00
Issuing every attachment for contempt,.....	25
Taking an acknowledgment of a deed or a power of attorney,	25
Order for relieving a pauper,.....	25
Order for removing a pauper,.....	50
Certifying a description of a boat adrift, or estray,.....	25
Warrant and certificate of appraisement,.....	25
Taking and certifying depositions,.....	25
And for each hundred words therein contained, more than 100,	10
For each process required by law, and not herein enumerated,	20
For every writing or record not herein provided for, for every 100 words,.....	10
Every trial,.....	25
For certifying copies of all proceedings, for each 100 words,.	10

Entering continuance,.....	10
Every bond or recognizance,.....	25
Every venire for summoning jury,.....	25
Each transfer of judgment,.....	10
Issuing execution,.....	25
Subpœna for witnesses to include all that are called at one time,.....	25
Administering each oath required by law, and not herein enumerated,.....	05
Trial of right of property and judgment,.....	50
Swearing jury,.....	10
Making up docket, for every 100 words,.....	10
Each writ of attachment against property,.....	50
Making return of fines to court, for each mile necessarily traveled, to be paid by the county,.....	05
Transmitting papers in case of appeal,.....	25
Writing an affidavit,.....	10

Jurors' Fees.

Every juror shall receive in the circuit court, or court of common pleas, to be paid out of the county treasury, per day.....	1 25
Every grand juror sworn, for his services as such, to be paid by the county, per day.....	1 25
Every such grand or petit juror, for every mile traveled in going to, and returning from court, shall receive to be paid by the county.....	4
Every juror for attending a trial before a justice of the peace to be taxed with costs of suit.....	25
Every juror sworn in each action in the supreme court, to be taxed against the party failing in the suit.....	1 50
For every mile actually traveled in going to and returning from court.....	5

Witnesses' Fees in the Supreme and Circuit Court, and of Common Pleas.

To every witness attending in his own county on trial per day.....	50
To every witness attending from another county each day.....	1 00
To each witness, subpœnaed in the county and detained from another county, each day.....	1 00
For every mile necessarily traveled, in going to and returning from court from his place of residence, each witness shall receive.....	4

Witnesses' Fees before a Justice.

Attending per day	25
For each mile traveled in going from his residence to the place of trial and returning, each witness.....	4
Witnesses shall claim their fees before the judgment docket is signed by the justice.	

Fees of Notaries Public and Commissioners.

For each certificate and seal.....	50
Taking deposition, or other writing for each 100 words....	10
Administering an oath.....	10
For each protest.....	50
For notice thereof.....	25
When required, for each 100 words in recording or copying such protest.....	10
Taking acknowledgment of deeds, mortgages powers of attorney or other written instruments.....	25

Coroner's Fees.

Empanneling and swearing a jury and witness, and making and returning inquisition, for the view of each body.....	5 00
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Township Trustees', Clerk's and Treasurer's Fees.

For each day's service, shall each be allowed to be paid out of the township fund.....	1 50
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SEC. —. In all cases hereafter, when jurors are empaneled by any coroner for the purpose of holding an inquest, each juror shall be entitled to fifty cents, for each day he shall serve as such, to be certified by the coroner.

SEC. —. All fees of inquests shall be paid out of the property of the deceased person, if there be so much belonging to such decedent, if not, then out of the county treasury.

SEC. —. The clerks of the supreme and circuit courts, and court of common pleas, shall post up in some conspicuous place in their offices, and there keep a table of their fees, and on failure so to do, shall have no right to demand or receive any fees for services rendered by them, as such clerks, during the time such tables are not so posted up.

SEC. —. In all criminal prosecutions, where the person accused shall be acquitted, no costs or fees shall be charged against such person, nor against the State, for any services rendered in such prosecution by any clerks, sheriffs, coroner, justice of the peace, constable or witness; but in all cases of conviction, such fees and costs shall be taxed and collected as in other cases, from the person convicted.

SEC. —. Witnesses shall claim their fees at each term as they attend, and not afterwards; and the clerk shall note such fees at the time they are claimed; and the sheriffs and coroners are hereby required to endorse upon all processes served by them, their fees at full length; and all clerks shall, in a book to be kept for that purpose, enter all the fees, as the services are rendered, and the clerks of the supreme, or of any circuit or common pleas court, shall have power to issue fee bills, from the books aforesaid, and the papers on file in his office, for services rendered by any person in said court before the expiration of his official term.

SEC. —. No action shall be maintained on any fee bill due to any person, so long as the party owing shall reside within the jurisdiction of the court issuing the same.

SEC. —. Each circuit court or court of common pleas, or a judge thereof in vacation, or a justice of the peace, as the case may be, if a question arise concerning any bill of costs, or if the person charged therewith, shall allege payment thereof, shall, upon motion of any party interested therein, and reasonable notice thereof, determine according to the rights of the parties thereto, and make order accordingly; and whenever there shall appear a claim for official services rendered by any officer of a court of justice, and there does not appear to be any fee fixed by law as a compensation therefor, the court, judge, or justice, on application, shall make order specifically fixing the allowance for such claim.

SEC. —. Any officer, except township officers, to whom fees are due, may, within five years from the date of taxing such fees, issue his fee bill therefor, to the sheriff of the county, who shall collect and return the same, as in case of executions. If such fee bill be not issued within five years, then such officer shall not have power to collect the same. But if such officer be a township officer, then such fee bill shall be issued within three years, and may issue to any constable of the county only.

SEC. —. The board of county commissioners shall furnish the necessary record books and stationery, for the office of the auditor, treasurer and recorder, and the clerk of the circuit and common pleas courts of their respective counties, at the expense of such county, and shall also provide safe and suitable offices for such officers.

SEC. —. The Secretary, Auditor, and Treasurer of State shall furnish, at the expense of the State, the necessary record books, and office rent and stationery, for the offices of the Secretary, Auditor, and Treasurer of State, and clerks of the Supreme Court, and fuel and stationery for the use of the General Assembly.

Mr. English moved to amend by adding the following section at the close of the bill:

SEC. —. In all counties where the population exceeds 10,000 persons, the fees of county officers shall be one fourth less, and in counties exceeding 15,000 population, shall be one third less than the rates hereinbefore mentioned.

Mr. Graham moved to amend the amendment by striking out 10,000 and inserting 3,000.

Which was disagreed to.

Mr. Dobson moved to amend the amendment by striking out 10,000.

Which motion did not prevail.

Mr. Doughty moved to amend the amendment as follows: "in all counties where the population is less than 10,000 the officers shall receive one quarter more.

Mr. Manson moved that the House adjourn.

Which was disagreed to.

Mr. Stanfield moved to lay the amendment and the amendment to the amendment on the table;

And the question being put,

The ayes and noes were demanded by Messrs. English and Gibson.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Brady, Bryant, Bulla, Buskirk, Chowning, Cockrum, Cowgill, Dobson, Donham, Eccles, Foster, Gibson, Gookins, Goudy, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Holladay, Howell, Hudson, Huey, Huffstetter, Humphreys, Hunt, Leviston, Lindsey of Fayette, Marrs, Mayfield, McAllister, McConnell, Nelson, Price, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Stanfield, Staton, Stover, Struble, Suit, Sweet, Thompson, Watson, Wells, and Wilson—54.

Those who voted in the negative were,

Messrs. Beeson, Carpenter, Crawford, Cromwell, Davis of Franklin, Dice, Donaldson, Donnohue, Doughty, Douthit, Graham, Hart, Holman, Lawrence, Lindsay of Howard, Major, Manson, McDowell, Miller, Mudget, Ray, Smith of Spencer, Stuart, Torbet, Walker, Williams, Withers, and Mr. Speaker—28.

So the amendment and the amendment to the amendment were laid on the table.

Mr. Holman moved to amend as follows:

SEC. —. Wherever the population of a county shall exceed fifteen thousand inhabitants, the clerk, sheriff, auditor and treasurer shall receive only four fifths of the fees herein specified.

Where the population of the county exceeds twenty thousand inhabitants, the officers aforesaid shall receive three-fourths of the fees herein before specified, and where the population exceeds twenty-five thousand, said officers shall receive two thirds of the above fees, and where the population of the county is less than ten thousand the officers aforesaid shall receive one-fourth more than herein before specified.

Mr. Carpenter moved to amend the amendment as follows:

Amend so that the county auditor and treasurer shall not receive in any one year more than eight hundred dollars out of the county and State treasury.

Mr. Manson moved to lay the bill and amendments on the table.

Mr. Doughty moved the House adjourn;

Which was disagreed to.

The question then recurred on laying the bill and amendments on the table.

Mr. Gibson called a division of the question.

The question being put first on laying the amendments on the table,

The ayes and noes were demanded by Messrs. Gibson and Graham.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Brady, Bryant, Buskirk, Chowning, Cowgill, Crawford, Dice, Donham, Doughty, Foster, Gibson, Gookins, Goudy, Gunn, Hanna, Hay of Clark, Holladay, Hudson, Leviston, Lindsay of Howard, Marrs, Mayfield, McConnell, Nelson, Price, Ray, Sale, Schoonover, Stanfield, Staton, Stover, Suit, Sweet, and Wells—37.

Those who voted in the negative were,

Messrs. Beeson, Bulla, Carpenter, Davis of Franklin, Dobson, Donaldson, Donnohue, Douthit, Eccles, Graham, Hart, Helmer, Henry, Holman, Howell, Huey, Humphreys, Hunt, Lawrence, Lindsey of Fayette, Major, Manson, McAllister, McDowell, Miller, Reynolds, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Struble, Stuart, Taggart, Thompson, Torbet, Walker, Watson, Williams, Wilson, Withers, and Mr. Speaker—41.

So the amendments were not laid on the table.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives

that the Senate has concurred in the engrossed amendments of the House to engrossed bills of the Senate :

No. 149, "a bill for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties;"

No. 163, "an act authorizing proceedings to try the right of property seized by virtue of any writ of execution or attachment, and claimed by any person other than the execution or attachment defendant;"

No. 102, "a joint resolution memorializing Congress to pass an act placing assistant surgeons appointed by commanding officers of the U. S. army during the war with Mexico, on the same footing, as to bounty land and extra pay, as regularly commissioned surgeons."

Also, that the Senate has passed bill of the House

No. 209, an act concerning inclosures, trespassing animals, and partition fences;

Without amendment.

A message from the Senate by Mr. Dunn their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the engrossed amendments of the House to engrossed amendments of the Senate to engrossed bill of the House No. 254, "an act fixing the per diem and mileage of members of the General Assembly."

On motion by Mr. Doughty,
The House adjourned.

THURSDAY MORNING, 8 o'clock, }
June 3, 1852. }

The House met.

The Clerk proceeded to read the journal;
When,

On motion by Mr. Buskirk,
The further reading thereof was dispensed with.

The Speaker laid before the House the following communication from His Excellency, the Governor:

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, June 3d, 1852. }

HON. WM. H. ENGLISH,

Speaker of the House of Representatives:

SIR:—You will please lay before the House of Representatives the enclosed report of the visiter to the State Prison.

Yours, respectfully,

JOSEPH A. WRIGHT.

—
NAPOLEON, May 24, 1852.

Gov. JOSEPH A. WRIGHT:

Sir:—According to promise, I drop you a few suggestions in regard to the management of the State Penitentiary. I beg you will consider the few remarks I have to make at present, as being no part of my regular report; I shall enter more fully into the details after I shall have visited the prison the second time.

Having been commissioned by your Excellency as "Visiter to the Penitentiary for the year 1852," I proceeded, on the 16th, 17th and 18th inst., to fulfil my mission. I must confess I found the institution in a much worse state, both as it regards the sanitary and municipal regulations, than I had expected; to be sure the late destructive fire has been the means of deranging affairs, in a great measure, but I most assuredly attribute the present condition of the prison to result from the State, having, by lease, placed it in the hands of an individual, in order to bring a revenue into her treasury.

Time will not admit of my entering into a discussion upon this point, or attempting to show why the State should have direct control of the convict, as well as those who have been so unfortunate as to demand an asylum within the other institutions. I believe the object of our modern penitentiaries, is to reclaim, more than to punish; if so, I do not see why the State should not have her Penitentiary under her direct control. I am unadvised, at present, how far the State is bound to continue in any contract she may have entered into with Mr. Patterson; but I would suggest the propriety, if it can be conveniently done, of the State taking the institution under her immediate guardianship,—placing proper officers over it, and see that they fulfil the duties of their office to the letter.

The condition of the Hospital is not such that that department would pass a satisfactory examination or inspection, by any qualified medical officer; and the fact that the physician at present is engaged by the lessee, with a very small salary, does not, in my judgment, contribute to ward an efficient management of the Hospital. In my opinion, the physician should be an officer of the State, having a salary of, at least, \$400 per year,—be obliged to reside within or near the institution,—keep a register, a case book, and tables of thermometrical changes,—to report fully upon the condition of the prison, and the health of the convicts annually to the Legislature or Governor of State; also, to make a report of cases, with their treatment, to be filed in the office of the Secretary of State, or placed at the disposal of the "State Medical Society." By this manner of procedure, the medical officer in charge would be more particular as to the treatment of the patients, and it would insure the constant attention of the physician on the premises. The salary should be quite sufficient, for, rest assured, no trifling amount can secure the services of experienced and scientific physicians or surgeons. In speaking thus, upon the general management of the prison and its Hospital, I hope I will not be construed as passing any reflections upon the gentlemanly warden, or the kind physician. I have conversed with many of the convicts, and they all speak in the highest terms of those who are placed over them.

In conversation with the warden, I found your Excellency had anticipated me, in regard to supplying the institution with water. However, I would suggest the construction of a large cistern, near the cell building, and communicating with other smaller ones by subterranean aqueducts or pipes; then, should a fire break out, the engine could be supplied with plenty of water at the cistern most remote from the fire. Whilst upon this subject, I would also respectfully suggest that the fire apparatus purchased for the establishment, be kept within the walls of the prison, and not in the town of Jeffersonville, where, I am informed, it now is.

The present cell building is both inconvenient and unhealthy. The cells are close, and at present filthy beyond measure; and I am only astonished that the various epidemics that have visited the place, did not decimate the population of the prison.

There are at present about two hundred and fifteen convicts within the penitentiary, and but one hundred and eighty-four cells. It would seem from this that a number of cells should be constructed to accommodate the surplus number of convicts. You have in this, also, anticipated me, by your excellent idea of constructing cells of but one tier, or story, and of having a little yard, say 8 by 15 feet, attached to each cell, in order that the convict may take exercise upon Sunday, instead of lounging in a dark, damp cell, as he is now obliged to do.

I have some suggestions to make in regard to the library; to the furnishing of weekly newspapers for the use of the convicts, to the

establishing of sunday and evening schools for the education of the prisoners; also, as regards *punishment* for offending against the rules of the prison; all of which shall be embodied in my regular report. I see by the reports of the proceedings of our Legislature that there is at present a bill regulating the prison.

I would suggest the propriety of no action at present; on the contrary, that a competent person be appointed to visit the various penitentiaries of the United States, and then report the best method of governing these establishments, giving also his views upon the construction of cells, hospitals, &c.

I am of the opinion that a thorough re-organization, and reformation must be brought about within the walls of the "Indiana Penitentiary," if we desire to see crime lessened, or the institution an honor to the State.

I remain your Excellency's obedient servant,

B. F. MULLEN.

To his Excellency, Gov. WRIGHT.

On motion by Mr. Hay of Clark,

The report was referred to the committee on the State Prison.

The Speaker laid before the House the following communication and the act for the relief of Amaza Hazen :

HON. W. H. ENGLISH,

Speaker of the House of Representatives :

SIR:—In compliance with a resolution of the House of Representatives, the undersigned herewith transmits a copy of "an act for the relief of Amaza Hazen."

Very respectfully,

CHARLES H. TEST,

Secretary of State.

INDIANAPOLIS, June 2, 1852.

On motion by Mr. Hart,

The act was referred to a select committee of three.

Messrs. Hart, Gibson and Holman were appointed said committee.

REPORTS FROM COMMITTEES.

Mr. Dobson, chairman of the committee on Claims, made the following report:

MR. SPEAKER:

The committee on Claims to whom was referred the petition of

John Burk and Peter W. Koontz, have had the same under consideration, and have directed me to report that in the opinion of the committee it is inexpedient to legislate on the subject, and ask to be discharged from the further consideration thereof.

Which was concurred in.

Mr. Miller, from the committee on Revision, Phraseology and Arrangement, made the following report:

MR. SPEAKER:

The committee on Revision, Phraseology and Arrangement, have had under consideration bill No. 9, "an act to authorize county auditors and recorders to recopy maps and plats when the original shall have become worn or defaced," have directed me to report the same back, and after amending it as follows recommend its passage.

Amend 4th line by inserting the word "have" between "shall" and "become."

Strike out of the seventh line the word "each" and insert in lieu thereof the word "such."

Strike out all of the 8th line except the words "plat" and "which."

Strike out all section 2.

The amendments were concurred in, and the bill ordered to be engrossed.

Mr. Buskirk, chairman of the committee on Ways and Means, made the following report:

MR. SPEAKER:

The committee on Ways and Means, to whom was referred the petition of sundry citizens of Union county, praying for a reduction in the rate of taxation, and against any increase in the salaries of the State officers, have directed me to report that the first prayer of such petition is contained in a bill heretofore passed, fixing the rate of taxation at twenty cents on the hundred dollars valuation of property; and your committee is satisfied from recent votes in the House upon the salary bill, that the dear people need have no apprehension about high salaries, and recommend that such petition be laid upon the table.

Which was concurred in.

By unanimous consent of the House,

Mr. Behm obtained leave and introduced

No. 303. A bill to regulate the formation of mutual fire insurance companies;

Which was read a first time and passed to a second reading

Mr. Torbet, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred a petition of sundry citizens of Dearborn county, in reference to the act declaring Tanner's Creek a public highway, report that it is in their opinion inexpedient to repeal said act, and they ask to be discharged from the further consideration of the subject.

Which was concurred in.

ORDERS OF THE DAY.

The House resumed the consideration of House bill No. 283. A bill regulating the fees of officers;

The question pending at the last adjournment being on the adoption of the amendment of Mr. Carpenter to the amendment of Mr. Holman,

On motion by Mr. Williams,

The further consideration of the subject was postponed until tomorrow morning, 10 o'clock.

House bill No. 293, a bill in relation to the assessment and taxation of the stock in road, canal, slack water navigation, &c.,

Was taken up; and, after debate,

On motion by Mr. Stanfield,

The bill was laid on the table.

House bill No. 295, a bill to fix temporarily the compensation of judges of the circuit courts;

Was read a second time and considered as in committee of the whole, and reported to the House without amendment.

On motion by Mr. Williams,

The bill was laid on the table.

House bill No. 294, a bill in relation to the printing and distribution of the Revised Statutes, and the Code of Civil and Criminal Practice;

Was read a second time and considered as in committee of the whole.

Mr. King moved to amend the 5th section of the bill as follows: "To each editor of a newspaper one copy of the Revised Statutes."

Mr. Holladay moved to amend the amendment as follows:

"To each township Library one copy."

Which was disagreed to.

Mr. Gibson moved to amend the amendment of Mr. King, as follows:

Add, "who shall furnish one copy of their paper one year to the State Library?"

And the question being put,

The ayes and noes were demanded by Messrs. Beeson and McDowell.

Those who voted in the affirmative were,

Messrs. Behm, Brady, Bryant, Buskirk, Cowgill, Crawford, Donohue, Gibson, Gookins, Hay of Clark, Hays of White, Hudson, Hunt, King, Manson, Marrs, Mayfield, McDowell, Nelson, Reynolds, Sale, Shanklin, Smith of Marion, Stanfield, Stevens, Stover, Stuart, Thompson, Torbet, and Mr. Speaker—30.

Those who voted in the negative were,

Messrs. Barker, Beach, Beane, Beeson, Bulla, Chowning, Cockrum, Cromwell, Davis of Franklin, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Goudy, Graham, Gunn, Hart, Henry, Holladay, Howell, Huffstetter, Humphreys, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, McAllister, McConnell, McDonald, Miller, Mudgett, Porter, Price, Ray, Schoonover, Scudder, Staton, Struble, Suit, Sweet, Taggart, Walker, Watson, Wells, Williams, Wilson, Withers—53.

So the amendment to the amendment was disagreed to.

The question then recurred on the adoption of Mr. King's amendment.

And being put,

It was disagreed to.

The bill was then reported to the House with the following amendments.

Of the local and special acts there shall be printed five thousand copies.

In section 1st, strike out "twenty thousand" and insert "fifteen thousand."

In binding the revised code and code of practice one thousand copies of each shall be bound with every fourth leaf blank of substantial close ruled writing paper.

Which were concurred in.

On motion by Mr. Torbet,

The bill was referred to a select committee of three, consisting of Messrs. Torbet, Gibson and Manson.

Mr. Holman made the announcement of the death of the Hon. Isaac H. Morris, late a member of the House, as follows:

MR. SPEAKER:

I arise, sir, to announce to the House the melancholy intelligence of the death of one of its number, the Hon. Isaac H. Morris, of the county of Henry.

This Hall, sir, has thus been surrounded in a brief time with emblems of mourning for those who have passed from the theatre of its labors to that repose that knows no waking; and while we renew those emblems and look back upon the brief period during which we have mingled together, and see one, *another, another*, and still another, called from our midst, by the Providence that doeth all things well, we are admonished that whether in the public or private relations of life, whatever may be our trust, we should fulfil it with faithfulness, for the night cometh when no man can work.

Isaac H. Morris was a native of Virginia, but for nineteen years he has been a resident of this State. He was about thirty-five years of age, in the bloom of life. In his private relations that he was generous and faithful is manifest in the confiding, warm and manly friendship of those who knew him well, and in his public relations an honest singleness of purpose has shown the integrity of his heart.

In the social relations of life generous and confiding. A more eloquent tongue than mine will speak his eulogy, and warm hearts will cherish the memory of his virtues.

He has gone—but as, it were, on yesterday, he was in our midst. He leaves the service of the State for the repose of the grave. We may mourn his loss, and wife, and children, and friends may drop the burning tear upon the cold face of death. Yes—

“ His mild eye beams benevolent no more ;
 Withered the hand outstretch'd but to relieve ;
 Sunk reason's simple eloquence, that roll'd
 But to appal the guilty. Yes ! the grave
 Hath quenched that eye, and death's relentless frost
 Wither'd that arm ; but the unfading fame
 Which virtue hangs upon her votary's tomb,
 * * * * *
 * * * the remembrance
 With which the happy spirit contemplates
 Its well-spent pilgrimage on earth,
 Shall never pass away.”

Which,

On motion,

Was ordered to be placed on the journal.

Mr. Holman then submitted the following appropriate resolutions of respect to the memory of the deceased, and condolence with the bereaved widow and children of the deceased:

WHEREAS, This House has heard with deep regret of the death of the Hon. Isaac H. Morris, a member of the House from the county of Henry, who departed this life, in this city, on this morning, at the hour of six o'clock : therefore,

Resolved, That in respect for the memory of the deceased, and in consideration of his many public and private virtues, the members of the House will wear a badge of mourning for the period of thirty days.

Resolved, That this House sincerely sympathize with the bereaved family of the deceased, in this melancholy dispensation of Providence.

Resolved, That the members of this House will attend the remains of the deceased to the limits of the city, and that a committee of arrangements, to superintend the funeral, be appointed.

Resolved, That a committee of three members, viz: Messrs. Withers, Suit, and Struble, and an officer of this House, be appointed to accompany the remains of the deceased to the place of interment.

Resolved, That a copy of these resolutions be forwarded by the Principal Clerk of this House to the widow of the deceased; and that he communicate to her the sympathy of this House in this melancholy bereavement.

Resolved, That the concurrence of the Senate in the above resolutions is respectfully requested.

Resolved, That as a further testimonial of respect for the memory of the deceased, this House do now adjourn.

Which were unanimously adopted.

The House adjourned.

2 o'clock, P. M.

The House met.

By unanimous consent of the House,

Mr. Holman obtained leave and made the following report:

MR. SPEAKER :

The Judiciary committee to which was referred Senate bill No. 118, "a bill defining misdemeanors, &c.," have had the same under consideration and have directed me to report the same back with the following amendments and as amended recommend its passage.

1st. Add to section 8, the following words:

"And every person who shall fight with another by agreement, shall be deemed guilty of an assault and battery, and may be charged with, and convicted of the same, and punished accordingly."

2d. Strike out section 7.

3d. Strike out section 6.

4th. After section 27 insert—

SEC. —. Any person who shall adulterate any wine, spirits or other intoxicating liquors, which are intended for sale, by the admixture of any deleterious substance therewith, and any person who shall sell or offer for sale, any wine, spirits or other intoxicating liquors which shall have been so adulterated as aforesaid, shall on conviction thereof be fined in any sum not less than fifty dollars.

Insert after section 26 the following sections:

SEC. —. Any person who shall adulterate any wine, spirits or other intoxicating liquors, which are intended for sale by the admixture of any deleterious substance, shall on conviction thereof be fined in any sum not less than one hundred dollars.

SEC. —. Any person who shall sell or offer for sale any wine, spirits or other intoxicating liquors, which shall have been adulterated as aforesaid, shall on conviction thereof be fined in any sum not less than twenty-five dollars.

5th. Add to section 29 the following:

"And every person who may have been engaged in gaming in any such place, either by betting or otherwise, may be compelled to testify against the defendant as to all the facts in any prosecution under this section."

6th. Add to section 52 the words:

"And any prosecution under this section, it shall not be necessary to set forth the contract or instrument by which such interest may have been bargained for, received or reserved."

The amendments were considered separately.

The question being put on concurring in the 1st, 2d and 3d amendments,

They were agreed to.

Mr. Stanfield moved to amend the 4th amendment by adding in the proper place the word "knowingly" before "sale."

Which was agreed to.

Mr. Gibson moved to amend the 4th amendment by adding "or other fluid."

Which was agreed to.

Mr. Hudson moved to amend the amendment by striking out the word "substance" and insert "drug."

Which was disagreed to.

Mr. Gookins submitted the following amendment to the amendment:

SEC. —. In any prosecution under the preceding section, proof by common reputation of such adulteration shall suffice to convict.

And the question being put;

The ayes and noes were demanded by Messrs. Doughty and Smith of Spencer.

Those who voted in the affirmative were,

Messrs. Beane, Brady, Bryant, Bulla, Carpenter, Cockrum, Cowgill, Cromwell, Dice, Donaldson, Donnohue, Doughty, Geddes, Gookins, Goudy, Hanna, Helmer, Henry, Holladay, Humphreys, Lawrence, Leviston, Lindsey of Fayette, Linsday of Howard, Porter, Staton, Sumner, Thompson, and Watson—29.

Those who voted in the negative were,

Messrs. Barker, Beeson, Buskirk, Chowning, Crawford, Davis of Franklin, Dobson, Donham, Douthit, Eccles, Gibson, Graham, Gunn, Hay of Clark, Holman, Howell, Hudson, Huey, Huffstetter, Hunt, King, Major, Manson, Marrs, Mayfield, McAllister, McDowell, Miller, Nelson, Price, Ray, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Stevens, Stover, Struble, Stuart, Sweet, Taggart, Torbet, Walker, Williams, Wilson, and Mr. Speaker—49.

So the amendment to the amendment was disagreed to.

Mr. Hay of Clark moved to amend the amendment by striking out the last part of the section.

Which was disagreed to.

Mr. Linsday of Howard, moved to amend the amendment by adding in the first part of the 4th amendment, after "than," "\$5, nor more than."

Which was agreed to.

The amendment of the committee was then concurred in.

The 5th and 6th amendments were agreed to.

Mr. Graham moved to amend the bill by striking out sections two and three.

Which was disagreed to.

Mr. Holman moved to amend the bill as follows:

Add after section 26—

SEC. —. Every person, not being authorized by virtue of a law of this State, to vend spirituous liquors by retail, who shall, by himself or agent, barter or sell any spirituous liquors, by a less quantity than a quart at a time, or who shall, by himself or agent, barter or sell any spirituous liquors to be drunk in his own house, out-house, yard or garden, or appurtenances thereto belonging, shall be fined in any sum not less than two, nor more than twenty dollars.

Which was agreed to.

The amendments were ordered to be engrossed, and the bill ordered to a third reading.

On motion by Mr. Stuart,
The bill was ordered to be read a third time now.

On motion by Mr. Buskirk,
Leave of absence was granted the committee on Ways and Means this evening.

The bill was then read a third time.

Mr. Beane moved a call of the House;

Which was disagreed to.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Bryant, Bulla, Carpenter, Chowning, Cockrum, Dice, Donaldson, Donnohue, Doughty, Douthit, Foster, Gibson, Gookins, Goudy, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Holladay, Holman, Howell, Hudson, Huey, Huffstetter, Humphreys, Lawrence, Leviston, Lindsey of Fayette, Major, Marrs, Mayfield, McAllister, McConnell, Miller, Porter, Price, Schoonover, Scudder, Shanklin, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Sumner, Sweet, Taggart, Thompson, Watson, Wells, and Wilson—56.

Those who voted in the negative were,

Messrs. Cowgill, Davis of Franklin, Dobson, Donham, Eccles, Graham, Gunn, Manson, McDowell, Mudget, Ray, Reynolds, Smith of Marion, Smith of Spencer, Walker, Williams, and Mr. Speaker—17.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

By unanimous consent of the House,
Mr. English obtained leave and offered the following resolution:

Resolved, (If the Senate concur,) that the select joint committee on Revision be directed to examine the enrolled bills passed at the present session in order to ascertain whether there be any conflicting sections or acts, or duplicate provisions; and if so, to report a bill to perfect the same in the publication of the Revised Code, by excluding the surplus or conflicting sections, or otherwise.

Also, to inquire into and report as to the most desirable method of arranging the different acts in the Revised Code, and as to indexing and publishing the same.

Which was agreed to.

By unanimous consent of the House,
Mr. Hudson offered the following resolution:

Resolved, That the use of this hall be granted to the friends of Ireland to hold their contemplated meeting in, this evening.

Which was agreed to.

On motion by Mr. Smith of Spencer,
House bills No. 267, a bill to provide for the opening, vacating and change of highways;

And No. 285, a bill providing for the election or appointment of supervisors of public highways;

Were taken from the table and placed upon the files of the House.

On motion by Mr. Holman,
Senate bill No. 151, a bill providing for the government of the State University;

Was taken from the table and placed on the files of the House.

House bill No. 297, a bill relative to city charters,
Was read a second time, and considered as in committee of the whole, and reported to the House without amendment.

The bill was ordered to be engrossed.

Senate bill No. 156, a bill to amend acts of incorporation for the construction of plank and turnpike roads;

Was read a third time.

By unanimous consent of the House,

On motion by Mr. Holliday,

The third section of the bill was amended by adding in the proper place, "point or points on said road."

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Bryant, Bulla, Carpenter, Chowning, Cowgill, Crawford, Cromwell, Davis of Franklin, Dice, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Gibson, Gookins, Goudy, Gunn, Hanna, Hart, Helmer, Henry, Holladay, Hudson, Huey, Huffstetter, Humphreys, Hunt, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Manson, Marrs, Mayfield, McAllister, McConnell, Mudget, Nelson, Porter, Price, Scudder, Shanklin, Staton, Stevens, Struble, Sweet, Walker, Watson, Wilson, and Mr. Speaker—57.

Those who voted in the negative were,

Messrs. Brady, Dobson, Hay of Clark, Howell, McDowell, Miller, Reynolds, Schoonover, Smith of Marion, Smith of Spencer, Stanfield, Stover, Stuart, Taggart, Wells, and Williams—16.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

Senate bill No. 142, a bill to organize the militia, providing for the appointment, and prescribing the duties of certain officers thereof;

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Bryant, Bulla, Carpenter, Chowning, Cromwell, Dice, Dobson, Doughty, Eccles, Foster, Gookins, Graham, Gunn, Hart, Hay of Clark, Hays of White, Henry, Holladay, Holman, Howell, Hudson, Huey, Huffstetter, Humphreys, Hunt, Leviston, Lindsay of Howard, McAllister, McConnell, Miller, Nelson, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Stover, Struble, Stuart, Sumner, Taggart, Walker, Wells, Wilson, and Mr. Speaker—51.

Those who voted in the negative were,

Messrs. Cockrum, Crawford, Donham, Douthit, Hanna, Helmer, Lawrence, Major, Manson, Marrs, McDowell, Price, Reynolds, Scudder, Sweet, Thompson, Walker, Watson, and Williams—19.

So the bill passed.

Ordered, that the Clerk inform the Senate thereof.

Senate bill No. 174, a bill to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State;

Was read a third time.

Mr. Gibson moved to recommit the bill, with instructions to strike out the third section;

And the question being put,

The ayes and noes were demanded by Messrs. Gibson and Stanfield.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Brady, Bryant, Chowning, Cockrum, Cromwell, Douthit, Eccles, Gibson, Gookins, Gunn, Hay of Clark, Howell, Hudson, Hunt, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Manson, Mayfield, McAllister, McDowell, Miller, Mudget, Ray, Reynolds, Scudder, Smith of Marion, Smith of Spencer, Struble, Sweet, and Wells—34.

Those who voted in the negative were,

Messrs. Beane, Beeson, Bulla, Cowgill, Crawford, Dice, Dobson, Donaldson, Donham, Donnohue, Doughty, Goudy, Hart, Helmer, Henry, Holladay, Holman, Huey, Huffstetter, Humphreys, Major, Marrs, McConnell, Nelson, Porter, Price, Schoonover, Shanklin, Stanfield, Staton, Stevens, Stuart, Taggart, Thompson, Walker, Watson, Williams, Wilson, and Mr. Speaker—39.

So the bill was not recommitted.

By unanimous consent of the House,

On motion by Mr. Lindsay of Howard,

The 78th section of the bill was amended by adding in the proper place, the words "or some part thereof."

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Bryant, Bulla, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Dice, Dobson, Donaldson, Donham, Donnohue, Doughty, Douthit, Eccles, Gookins, Hart, Hay of Clark, Helmer, Henry, Holladay, Howell, Hudson, Huey, Huffstetter, Humphreys, Hunt, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Manson, Marrs, Mayfield, McAllister, McConnell, Miller, Mudget, Nelson, Porter, Price, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Sweet, Taggart, Walker, Watson, Williams, Wilson, and Mr. Speaker—67.

Those who voted in the negative were,

Messrs. Gibson, Goudy, Gunn, Holman, McDowell, and Wells—6.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

On motion by Mr. Hay of Clark,

The House adjourned.

FRIDAY MORNING, 8 o'clock, }
 June 4th, 1852. }

The House met.

The clerk proceeded to read the Journal.

When,

On motion by Mr. Stanfield,
 The further reading thereof was dispensed with.

REPORTS FROM COMMITTEES.

Mr. Nelson from the committee on Ways and Means made the following report:

MR. SPEAKER:

The committee on Ways and Means to whom was referred the petition of sundry citizens of Adams county praying for the repeal of the laws requiring located merchants to pay a licence, have directed me to report that the subject referred to in such petition, has been referred to the joint committee on Revision, and that such committee has reported a bill upon that subject; your committee therefore recommend that such petition be laid upon the table.

Which was concurred in.

Mr. Dobson chairman of the committee on Claims made the following report:

MR. SPEAKER:

The committee on Claims to whom was referred bill No. 181, have had the same under consideration, and a majority have directed me to report it back and recommend its passage.

On motion by Mr. Douthit,

The bill contained in the foregoing report was laid on the table.

Mr. McDonald from a select committee made the following report:

Mr. SPEAKER:

The select committee to whom was referred bill of the House No. 289, entitled "an act in relation to commission merchants and ware house keepers, have had the same under consideration, and a majority thereof have directed me to report the same back with two amendments and when so amended to recommended its passage.

First. Strike out of section 3d, all after the word "therefor," in the 7th line.

Second. Strike out the 4th section, and insert the following:

Any commision merchant or warehouse keeper, who shall with intent to defraud, violate any of the provisions of this act, shall be deemed guilty of a misdemeanor and shall be fined in any sum not exceeding double the value of the property disposed of, and shall be imprisoned in the county jail any term of time in the discretion of the jury not exceeding one year.

Which were agreed to.

Mr. McDonald moved to amend the 4th section of the bill by striking out "county jail" and inserting the words "State prison."

Mr. Stuart moved to lay the bill and pending amendment on the table.

Which was disagreed to.

The question then recurred on the adoption of Mr. McDonald's amendment;

And being put;

The ayes and noes were demanded by Messrs. Stuart and Doughty.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Brady, Bryant, Cowgill, Crawford, Cromwell, Davis of Franklin, Dice, Dobson, Donham, Donnohue, Doughty, Foster, Gookins, Goudy, Graham, Hanna, Hart, Hay of Clark, Hays of White, Henry, Huey, Huffstetter, Humphreys, Lawrence, Lindsey of Fayette, Major, Manson, Marrs, Mayfield, McDonald, Porter, Price, Ray, Sale, Scudder, Smith of Spencer, Stanfield, Struble, Sumner, Watson, Wells, Williams, and Mr. Speaker—46.

Those who voted in the negative were,

Messrs. Beeson, Behm, Buskirk, Carpenter, Chowning, Cockrum, Donaldson, Douthit, Eccles, Geddes, Gibson, Gunn, Helmer, Holladay, Howell, Hudson, Hunt, King, Leviston, Lindsay of Howard, McAllister, McConnell, McDowell, Miller, Mudget, Nelson, Rey-

nolds, Schoonover, Shanklin, Smith of Marion, Staton, Stevens, Stover, Stuart, Sweet, Thompson, Walker, and Wilson—38.

So the amendment was agreed to.

On motion by Mr. McDonald,

The bill was laid on the table.

Mr. Barker, from a select committee made the following report :

MR. SPEAKER :

The select committee to whom was referred sundry petitions asking that a law be passed to improve the navigation of Patoka river, have had that subject under consideration, and in their opinion a special law on that subject could not be passed, and that there is a general law on the subject of streams that have been or may hereafter be declared navigable requiring them to be laid out in convenient districts, and worked on as other highways, and if the county boards see proper to appropriate money out of the several county treasurys through which the same may run; therefore the committee ask to be discharged from a further consideration of the subject, and recommend that the petition be laid on the table.

Which was concurred in.

Mr Manson from the committee on Public Buildings made the following report:

MR. SPEAKER :

The committee on Public Buildings to whom was referred bill 246, in relation to selling the building on the Governor's Circle, with certain instructions, have amended it as directed, and have directed me to report the same back and recommend its passage.

To-wit: Amend the 1st section striking out the word "buildings" and insert "brick building."

The amendment was concurred in, and the bill ordered to be engrossed.

On motion by Mr. Gibson,

The bill was considered as engrossed and read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Bryant, Buskirk, Carpenter, Chowning, Cowgill, Crawford, Cromwell, Dice, Dobson, Donham, Donnohue, Doughty, Eccles, Foster, Gibson, Hart, Hay of

Clark, Henry, Holman, Howell, Huey, Huffstetter, Humphreys, Hunt, Leviston, Lindsey of Fayette, Lindsay of Howard, Manson, Mayfield, McAllister, McConnell, McDowell, Miller, Mudget, Nelson, Porter, Price, Ray, Reynolds, Sale, Schoonover, Smith of Marion, Staton, Stevens, Stover, Wells, and Mr. Speaker—52.

Those who voted in the negative were,

Messrs. Cockrum, Davis of Franklin, Donaldson, Douthit, Geddes, Gookins, Goudy, Graham, Gunn, Hanna, Helmer, Holladay, Hudson, King, Lawrence, Major, Marrs, McDonald, Scudder, Shanklin, Smith of Spencer, Stanfield, Struble, Stuart, Sumner, Sweet, Thompson, Walker, Watson, Williams, and Wilson—31.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

Mr. McDowell moved to reconsider the vote just taken.

On motion by Mr. Gibson,

The motion was laid on the table.

Mr. Smith of Marion, from a select committee, made the following report:

MR. SPEAKER:

The select committee, to which was referred a resolution of the Senate, authorizing the Secretary of State to employ clerks sufficient to perform the enrolling, have had that subject under consideration, and find, upon examination, that, at the last session, the Secretary of State received, in ordinary and extra allowances, about \$560 for enrolling. The present session having been protracted to a much greater length than an ordinary session, and owing to the revision of the laws, the committee are of the opinion that an additional amount of labor in enrolling follows as a necessary consequence; therefore, they report the same back, with one amendment, and when adopted they recommend its passage.

Insert after the word "purpose" in the 7th line "for the additional clerks employed after the passage of this resolution."

Which was agreed to.

Mr. English moved to strike out the Senate resolution, from the resolving clause, and insert:

That there be allowed to the Secretary of State, for enrolling at the present session, in addition to the amount now allowed by law, a sum sufficient to make the whole compensation equivalent to ten cents per hundred words for the entire enrolling.

Mr. Miller moved to amend the amendment by striking out "10" and insert "8" cents.

Mr. King moved to lay the whole subject on the table ;
 And the question being put,
 The ayes and noes were demanded by Messrs. Doughty and Gibson.

Those who voted in the affirmative were,

Messrs. Carpenter, Cockrum, Dice, Dobson, Donnohue, Doughty, Eccles, Geddes, Goudy, Graham, Gunn, Hart, Hay of Clark, Huffstetter, Humphreys, King, Lawrence, Manson, Marrs, Mayfield, McConnell, Sale, Scudder, Smith of Spencer, Torbet, and Walker—26.

Those who voted in the negative were,

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Chowning, Cowgill, Crawford, Cromwell, Davis of Franklin, Donaldson, Donham, Douthit, Foster, Gibson, Gookins, Hanna, Hays of White, Helmer, Henry, Holladay, Howell, Hudson, Huey, Hunt, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, McAllister, McDonald, McDowell, Miller, Mudgett, Nelson, Porter, Price, Ray, Reynolds, Schoonover, Smith of Marion, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Sweet, Taggart, Watson, Wells, Williams, Wilson, and Mr. Speaker—58.

So the motion did not prevail.

The question then recurred on the adoption of Mr. Miller's amendment ;

And being put,

The ayes and noes were demanded by Messrs. Gunn and Smith of Spencer.

Those who voted in the affirmative were,

Messrs. Barker, Beane, Beeson, Bryant, Bulla, Carpenter, Cockrum, Cowgill, Crawford, Cromwell, Davis of Franklin, Dobson, Donham, Donnohue, Doughty, Eccles, Geddes, Gookins, Goudy, Graham, Gunn, Hanna, Hays of White, Helmer, Holladay, Howell, Huey, Huffstetter, Humphreys, Hunt, Lawrence, Leviston, Lindsay of Howard, Major, Manson, Marrs, Mayfield, Miller, Mudgett, Nelson, Price, Ray, Reynolds, Sale, Schoonover, Scudder, Smith of Spencer, Staton, Stevens, Stover, Struble, Sumner, Sweet, Thompson, Walker, Watson, Wells, Williams, and Wilson—60.

Those who voted in the negative were,

Messrs. Beach, Behm, Brady, Chowning, Dice, Donaldson, Douthit, Foster, Gibson, Hart, Hay of Clerk, Henry, King, Lindsey of Fay-

ette, McAllister, McConnell, McDonald, McDowell, Porter, Smith of Marion, Stanfield, Stuart, Taggart, Torbet, and Mr. Speaker—
25.

So the amendment to the amendment was agreed to.

Mr. Gibson moved to lay the whole subject on the table.

And the question being put,

The ayes and noes were demanded by Messrs. Williams and Smith of Spencer.

Those who voted in the affirmative were,

Messrs. Beach, Buskirk, Chowning, Cockrum, Dice, Donnohue, Douthit, Doughty, Gibson, Goudy, Graham, Hart, Hay of Clark, Henry, Hudson, Huffstetter, King, Lindsay of Howard, Manson, McAllister, McDonald, Porter, Ray, Smith of Spencer, Stanfield, Staton, Stuart, Sumner, Torbet, Walker, Wells, and Mr. Speaker—
32.

Those who voted in the negative were,

Messrs. Barker, Beane, Beeson, Behm, Brady, Bryant, Bulla, Carpenter, Cowgill, Crawford, Cromwell, Davis of Franklin, Dobson, Donaldson, Donham, Eccles, Foster, Geddes, Gookins, Gunn, Hanna, Hays of White, Helmer, Holladay, Howell, Huey, Hunt, Lawrence, Leviston, Lindsey of Fayette, Major, Marrs, Mayfield, McDowell, Miller, Mudget, Nelson, Price, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Stevens, Struble, Sweet, Taggart, Thompson, Watson, Williams, and Wilson—52.

So the motion did not prevail.

The question then recurred on Mr. English's proposition ;

And being put,

It was disagreed to.

Mr. Lindsay of Howard moved to amend by striking out the word "additional."

Which was agreed to.

Mr. Manson moved to amend the amendment by striking out all after the words "General Assembly."

And the question being put,

The ayes and noes were demanded by Messrs. McDonald and Graham.

Those who voted in the affirmative were,

Messrs. Barker, Beane, Beeson, Bulla, Carpenter, Cockrum, Cowgill, Cromwell, Donnohue, Doughty, Geddes, Gibson, Goudy, Gra-

ham, Gunn, Hanna, Hay of Clark, Hays of White, Henry, Hudson, King, Lawrence, Lindsey of Fayette, Major, Manson, Marrs, Mayfield, McAllister, McDonald, Price, Ray, Reynolds, Shanklin, Smith of Spencer, Staton, Sweet, Thompson, Walker, Watson, Wells, and Williams—41.

Those who voted in the negative were,

Messrs. Brady, Chowning, Crawford, Davis of Franklin, Dice, Dobson, Donaldson, Douthit, Eccles, Helmer, Holladay, Howell, Huey, Huffstetter, Humphreys, Leviston, Lindsay of Howard, Miller, Mudgett, Nelson, Porter, Sale, Schoonover, Smith of Marion, Stanfield, Stevens, Stover, Struble, Stuart, Sumner, Taggart, Torbet, Wilson, and Mr. Speaker—34.

So the amendment to the amendment was agreed to.

Mr. Henry moved to reconsider the vote just taken.

Mr. Donaldson called the previous question;

Which was not seconded by the House.

The question then recurred on reconsidering the vote;

And being put,

The ayes and noes were demanded by Messrs. Sumner and Goudy.

Those who voted in the affirmative were,

Messrs. Beane, Beeson, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cowgill, Crawford, Cromwell, Dobson, Donaldson, Donham, Gibson, Gookins, Helmer, Henry, Howell, Leviston, Lindsey of Fayette, Lindsay of Howard, McAllister, Miller, Porter, Ray, Smith of Marion, Stanfield, Stevens, Struble, Taggart, Torbet, and Mr. Speaker—33.

Those who voted in the negative were,

Messrs. Barker, Beach, Cockrum, Donnohue, Doughty, Douthit, Foster, Geddes, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Holladay, Huffstetter, Humphreys, Hunt, Lawrence, Major, Manson, Marrs, Mayfield, McConnell, McDonald, McDowell, Mudgett, Nelson, Reynolds, Sale, Schoonover, Scudder, Smith of Spencer, Staton, Sweet, Thompson, Walker, Watson, Wells, and Williams—41.

So the vote was not reconsidered.

Mr. Gibson moved to amend the resolution as follows:

Strike out and insert—

That the Clerk of the House and Secretary of the Senate divide out the enrolling among the members of the General Assembly, and

that each member enrol the proportion so assigned to him, or procure the same to be done at his own expense.

Mr. King moved to lay the amendment on the table ;

And the question being put,

The ayes and noes were demanded by Messrs. Gibson and Smith of Marion.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Buskirk, Cromwell, Donaldson, Doughty, Eccles, Geddes, Goudy, Hanna, Hart, Hays of White, Helmer, Holladay, Howell, Hudson, Humphreys, King, Lawrence, Lindsey of Fayette, Major, Marrs, Mayfield, McConnell, McDonald, McDowell, Miller, Nelson, Ray, Smith of Spencer, Struble, Stuart, Taggart, Thompson, Torbet, Walker, Watson, Wells, and Williams—41.

Those who voted in the negative were,

Messrs. Brady, Bryant, Bulla, Chowning, Cowgill, Crawford, Davis of Franklin, Dice, Donham, Douthit, Foster, Gibson, Gookins, Graham, Gunn, Hay of Clark, Henry, Hunt, Leviston, Lindsay of Howard, Manson, McAllister, Mudget, Porter, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Staton, Sumner, Sweet, Wilson, and Mr. Speaker—35.

So the amendment was laid on the table.

Mr. Taggart moved to amend the amendment as follows:

Add "that the clerks employed by the Secretary of State be allowed the sum of ten cents per hundred words for all enrolling hereafter done for the General Assembly."

On motion by Mr. Gibson,

The whole subject was laid on the table.

On motion by Mr. Gibson,

House bill No. 283—a bill regulating fees of officers—which was postponed on yesterday till this hour, was taken up and considered.

The question pending being on the adoption of Mr. Carpenter's amendment to the amendment of Mr. Holman ;

Mr. Carpenter withdrew his amendment.

The question then recurred on Mr. Holman's amendment, offered on the 2d inst.

Mr. Miller moved to amend the amendment as follows:

Strike out "one-fourth" and insert "one-sixth" where it occurs in reference to small counties.

Which was disagreed to.

Mr. McDowell moved to amend the amendment as follows ;

In 12th line strike out "12" and insert "5."

Mr. McDonald moved to lay the amendment to the amendment on the table;

And the question being put,

The ayes and noes were demanded by Messrs. McDonald and Taggart.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Bryant, Bulla, Buskirk, Chowning, Cockrum, Cowgill, Crawford, Dice, Dobson, Donham, Doughty, Eccles, Foster, Geddes, Gibson, Goudy, Graham, Gunn, Hanna, Hay of Clark, Helmer, Henry, Holladay, Howell, Hudson, Huey, Huffstetter, Humphreys, King, Lawrence, Lindsey of Fayette, Lindsay of Howard, Major, Marrs, Mayfield, McConnell, McDonald, McDowell, Mudgett, Nelson, Price, Ray, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Sumner, Sweet, Thompson, Walker, Watson, Wells, Williams, and Wilson—67.

Those who voted in the negative were,

Messrs. Brady, Carpenter, Cromwell, Davis of Franklin, Donaldson, Douthit, Hart, Manson, Miller, Taggart, Torbet, and Mr. Speaker—12.

So the amendment to the amendment was laid on the table.

Mr. Hudson moved to amend the amendment as follows:

Strike out the first four lines in relation to fees of recorders and insert the following:

For recording deeds and mortgages \$1; and for the acknowledgment of deeds, mortgages, &c., 25 cents.

Mr. Smith of Marion moved to amend the amendment as follows:

Strike out "30" in the first specification of recorder's fees and insert "35."

Strike out "10" in the second specification of recorder's fees and insert "20."

Mr. Stanfield moved to lay the amendment and the amendment to the amendment on the table.

And the question being put,

The ayes and noes were demanded by Messrs. Smith of Marion and Stanfield.

Those who voted in the affirmative were,

Messrs. Barker, Beane, Beeson, Brady, Bryant, Carpenter, Chowning, Cowgill, Crawford, Dice, Donaldson, Donham, Doughty, Dou-

thit, Eccles, Foster, Gibson, Gookins, Graham, Gunn, Hart, Hay of Clark, Helmer, Henry, Holladay, Huffstetter, Humphreys, Hunt, Lavery, Lawrence, Leviston, Lindsey of Fayette, Linsday of Howard, Major, Manson, Marrs, McAllister, McConnell, Miller, Mudget, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Sumner, Sweet, Torbet, Walker, Watson, Wells, Williams, Wilson, and Mr. Speaker—60.

Those who voted in the negative were,

Messrs. Buskirk, Cockrum, Dobson, Geddes, Goudy, Hanna, Howell, Hudson, Huey, McDonald, McDowell, Nelson, Sale, Smith of Marion, Stuart, Taggart, and Thompson—17.

So the amendment and the amendment to the amendment were laid on the table.

Mr. Hudson moved to reconsider the vote just taken.

Which was disagreed to.

Mr. Buskirk moved to amend the amendment as follows:

Strike out and insert the following—

For recording a deed or mortgage of real estate.....	\$1 00
For recording a bond.....	50
For recording a promissory note.	25
For recording all other instruments, per sheet of 100 words.....	10
For copies of all records and certifying the same per sheet of 100 words.....	10
For recording town plats and additions thereto for every 100 lots and under.....	2 00
For every lot over one hundred, each.....	01
For recording mortgages to trust funds.....	50
For taking the acknowledgment of each deed or mortgage	25

Mr. Hay of Clark moved to lay the amendment to the amendment on the table.

And the question being put;

The ayes and noes were demanded by Messrs. Davis of Franklin and Buskirk.

Those who voted in the affirmative were,

Messrs. Barker, Beane, Beeson, Brady, Bryant, Bulla, Carpenter, Chowning, Crawford, Davis of Franklin, Dice, Donaldson, Donham, Donnohue, Eccles, Gibson, Graham, Hart, Hay of Clark, Hays of White, Helmer, Henry, Holladay, Huey, Humphreys, Lawrench, Leviston, Lindsey of Fayette, Linsday of Howard, Major, Mansoe,

Marrs, McAllister, McConnell, Miller, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Spencer, Spencer, Stanfield, Stover, Struble, Sumner, Sweet, Torbet, Walker, Watson, Wells, Williams, Wilson, and Mr. Speaker—54.

Those who voted in the negative were,

Messrs. Buskirk, Cockrum, Cowgill, Dobson, Doughty, Douthit, Foster, Geddes, Gunn, Hanna, Howell, Hudson, Huffstetter, Hunt, King, Laverty, Mayfield, McDonald, McDowell, Mudgett, Nelson, Price, Sale, Smith of Marion, Staton, Stevens, Stuart, Taggart, and Thompson—29.

So the amendment to the amendment was laid on the table.

Mr. Beane called the previous question;

Which was not seconded by the House.

Mr. Stover moved to amend the amendment as follows:

Add to the specification on sheriff's fees the following:

For each commitment and discharge for a prisoner under any city authority 20 cts.

Which was agreed to.

Mr. Stover moved to amend the amendment as follows:

Strike out "50" in the 23d line of the specification on county auditors' fees and insert "10."

Which was agreed to.

Mr. Stover moved to amend the amendment as follows:

Strike out "15" in the 56th line of the specification on sheriffs' fees and insert "10."

Which was agreed to.

Mr. Stover moved to amend the amendment as follows:

Strike out the word "50" in the 23d line in the specification of county treasures' fees and insert "10."

Which was agreed to.

Mr. King moved to reconsider the vote allowing the sheriff only 20 cents for commitment under city authority.

Pending which,

On motion by Mr. Barker,

The House adjourned.

2 o'clock, P. M.

The House met.

The question pending being on the motion of Mr. King to reconsider the vote allowing sheriff 20 cents under city authority, for commitment,

And being put,
It was disagreed to.

Mr. Stover moved to amend the amendment as follows:

SEC. —. Clerks or sheriffs whose fees exceed one thousand dollars per annum, shall not be entitled to any extra allowance out of the county treasury; and the county board shall, before making any extra allowance with a clerk or sheriff, require such officer to make oath to the amount of his fees for the year for which such allowance is sought to be made.

Which was agreed to.

Mr. Taggart submitted the following amendment to the amendment:

Provided, That in all cases where the deed or mortgage does not exceed one hundred words, including the certificate of acknowledgment, such recorder shall be entitled to fifty cents for such hundred words.

Which was disagreed to.

Mr. Williams moved to amend the amendment as follows:

Strike out of the amendment—

Clerk of the Probate Court.

Filing paper.....	2
Letters of administration, recording and filing same.....	50
Proving a will and endorsing certificate thereon.....	50
For qualifying administrator, taking bond and writing certificate.....	50

And the question being put,

The ayes and noes were demanded by Messrs. Buskirk and Brady.

Those who voted in the affirmative were,

Messrs. Beane, Brady, Bulla, Cowgill, Cromwell, Davis of Franklin, Donaldson, Donham, Donnohue, Douthit, Graham, Hart, Hay of Clark, Holladay, Holman, Huey, Lavery, Lawrence, Leviston, Lindsay of Howard, Major, Marrs, Mayfield, McAllister, McDowell, Porter, Schoonover, Smith of Spencer, Staton, Stevens, Struble, Taggart, Thompson, Watson, Williams, and Wilson—36.

Those who voted in the negative were,

Messrs. Barker, Beeson, Bryant, Buskirk, Carpenter, Cockrum, Dice, Dobson, Doughty, Eccles, Foster, Gibson, Gookins, Goudy, Gunn, Hanna, Helmer, Henry, Hudson, Huffstetter, Humphreys, Hunt, King, Lindsey of Fayette, McConnell, McDonald, Miller, Nelson, Price, Reynolds, Sale, Smith of Marion, Spencer, Stanfield, Stover, Stuart, Sumner, Sweet, Walker, and Wells—40.

So the amendment to the amendment was disagreed to.

Mr. Cockrum moved to amend the amendment as follows:

Witnesses shall be allowed \$1 00 per day for their attendance in the circuit court or court of common pleas.

And the question being put,

The ayes and noes were demanded by Messrs. McDonald and Doughty.

Those who voted in the affirmative were,

Messrs. Beane, Behm, Bulla, Chowning, Cockrum, Davis of Franklin, Donnohue, Donham, Doughty, Douthit, Geddes, Graham, Hart, Hay of Clark, Henry, Holladay, Huey, Hunt, Lawrence, Lindsay of Howard, Major, Marrs, Mayfield, McDonald, McDowell, Nelson, Price, Reynolds, Smith of Marion, Spencer, Staton, Stevens, Struble, Thompson, Walker, Watson, and Williams—37.

Those who voted in the negative were,

Messrs. Barker, Beeson, Brady, Bryant, Cowgill, Cromwell, Dice, Dobson, Donaldson, Eccles, Foster, Gibson, Gookins, Goudy, Gunn, Helmer, Holman, Hudson, Huffstetter, Humphreys, Lavery, Leviston, Lindsey of Fayette, McAllister, McConnell, Sale, Schoonover, Stanfield, Stover, Stuart, Sumner, Sweet, Taggart, Wells, and Wilson—35.

So the amendment was agreed to.

Mr. Reynolds moved to amend the amendment as follows:

Strike out and insert "jurors and witnesses before justices of the peace, 50 cents per day."

Mr. Manson called the previous question;

Which was not seconded by the House.

The question then recurred on Mr. Reynolds's amendment;

And being put,

The ayes and noes were demanded by Messrs. McDowell and Doughty.

Those who voted in the affirmative were,

Messrs. Beane, Brady, Bryant, Chowning, Cockrum, Cromwell, Dice, Donaldson, Donham, Donnohue, Doughty, Douthit, Geddes, Graham, Hanna, Hart, Henry, Holladay, Howell, Hudson, Huey, Humphreys, Hunt, King, Lawrence, Lindsey of Fayette, Lindsay of Howard, Major, Marrs, McDonald, McDowell, Nelson, Porter, Price, Reynolds, Smith of Marion, Smith of Spencer, Staton, Stevens, Struble, Thompson, Walker, Watson, and Williams—44.

Those who voted in the negative were,

Messrs. Barker, Beeson, Behm, Bulla, Carpenter, Cowgill, Dobson, Eccles, Gibson, Goudy, Gunn, Hay of Clark, Helmer, Holman, Laverty, Leviston, Mayfield, McAllister, McConnell, Miller, Mudgett, Sale, Schoonover, Scudder, Stanfield, Stover, Stuart, Sumner, Sweet, Taggart, Torbet, Wells, and Wilson—33.

So the amendment to the amendment was agreed to.

Mr. Stover moved to amend the amendment as follows:

SEC. —. County treasurers shall not receive any allowances nor per cent. out of the State and county treasury, for his services as such treasurer, exceeding in amount in any one year, the sum of one thousand dollars.

SEC. —. County auditors shall not be entitled to receive any allowances nor fees, out of the county treasury, for his services for such county, for any one year, exceeding the amount of eight hundred dollars.

Which was agreed to.

The amendments of the committee were then concurred in,

And the bill ordered to be engrossed.

ORDERS OF THE DAY.

House bill No. 282. A bill to establish a house of refuge for juvenile offenders in the State of Indiana;

Was read a third time;

By unanimous consent of the House,

On motion by Mr. Carpenter,

The bill was amended as follows:

Amend section 10, by adding in the proper place "and Evansville."

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Brady, Bryant, Carpenter, Chowning, Dice, Doughty, Douthit, Geddes, Gibson, Gookins, Goudy, Graham, Hay of Clark, Helladay, Howell, Huffstetter, Hunt, King, Lindsay of Howard, Manson, Mayfield, McDonald, Nelson, Porter, Price, Sale, Smith of Marion, Stevens, Sumner, Wells, and Mr. Speaker—33.

Those who voted in the negative were,

Messrs. Beane, Bulla, Cockrum, Cowgill, Crawford, Cromwell,

Davis of Franklin, Dobson, Donaldson, Donham, Donnohue, Eccles, Foster, Gunn, Hanna, Hart, Henry, Hudson, Huey, Lavery, Lawrence, Leviston, Lindsey of Fayette, Major, Marrs, McAllister, McConnell, McDowell, Mudget, Ray, Reynolds, Schoonover, Scudder, Smith of Spencer, Stanfield, Staton, Stover, Struble, Stuart, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Williams, and Wilson—47.

So the bill did not pass.

House bill No. 292. A bill to repeal sections 5 and 6 of an act entitled "an act to establish a free turnpike road in Jay county," approved January 13, 1845. Also to repeal so much of section 5 of an act entitled "an act to establish a free turnpike road" approved February 12, 1851;

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beane, Beeson, Brady, Bulla, Carpenter, Chowning, Cowgill, Crawford, Cromwell, Dice, Donham, Donnohue, Douthit, Eccles, Foster, Gookins, Graham, Hanna, Hart, Henry, Howell, Hudson, Huey, Hunt, Lavery, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Manson, Marrs, Mayfield, McAllister, McConnell, McDonald, Nelson, Porter, Price, Ray, Reynolds, Sale, Smith of Marion, Stevens, Stover, Struble, Suit, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, and Wilson—57.

Those who voted in the negative were,

Messrs. Cockrum, Davis of Franklin, Gunn, Hay of Clark, Helmer, Holladay, McDowell, Schoonover, Smith of Spencer, Spencer, Stuart, and Mr. Speaker—12.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

Senate bill No. 181, a bill to change the time of holding circuit courts in the county of Jennings;

Was read a second time and considered as in committee of the whole, and reported to the House without amendment, and ordered to a third reading.

Senate bill No. 178, a bill to establish courts of conciliation, &c.,

Was read a second time, and considered as in committee of the whole, and reported to the House without amendment.

Mr. Gibson moved to refer the bill to the Judiciary committee, with instructions to inquire into its constitutionality.

Which was disagreed to.

Mr. Lindsay of Howard moved to amend the bill by striking out section 17 and inserting the following:

"When a reconciliation is not effected, one half of the above fee shall be paid as provided in section 16 of this act."

Which was agreed to.

Mr. King moved to amend the bill as follows:

In section six strike out all after "parties," in the 4th line of said section.

Which was disagreed to.

The amendments were ordered to be engrossed, and the bill was then ordered to a third reading.

By unanimous consent of the House,

Mr. Torbet obtained leave and made the following report:

MR. SPEAKER:

The select committee to whom was referred bill No. 294, have, in accordance with the instructions of the House, prepared the following amendments to the bill, viz:

Amend section one, so that it shall read as follows:

First. "That of the Revised Statutes of 1852, and of the Code of Civil and Criminal Practice, there shall be printed, in the English language, each in a separate volume, fifteen thousand copies; and that of the local and special acts of this session, there shall be printed five thousand copies."

Also, add the following section:

Second. SEC. —. In binding the Revised Code and Code of Practice, one thousand copies of each shall be bound with every fourth leaf blank, of substantial, close-ruled writing paper, of which, in the distribution herein provided, one copy shall be forwarded to the clerk of the circuit court in each county, and to each judge of the circuit court and court of common pleas.

Third. The committee also respectfully recommend the adoption of the following additional section:

SEC. —. A committee to consist of ——— from the Senate and ——— from the House, remain at the capital to superintend the publication thereof. That it shall be the duty of such committee,

First. To read and compare the proof sheets with the enrolled bills.

Second. To prepare marginal notes, &c.

Third. To prepare and cause to be published with the Revised Code, reference notes of all decisions of the supreme court, applicable to such statutes, and reference notes indicating a conflict of statutes, where any exist.

Fourth. To arrange the statutes for publication, disposing in separate statutes the local laws, the code of practice of the revised laws.

Fifth. To prepare a full and copious index to each volume, to make a full and complete index to the laws required to be published in pamphlet form.

SEC. 2. Such committee shall receive the same for compensation for their services, as for services of members, to be paid on the certificate of the chairman, and shall have no power to employ any clerk.

Fourth. Also, amend section 6, in 3d line: Insert after the word "same," "except members and officers of this General Assembly."

Fifth. Also, amend section 8: After the word "school," in the 14th line, insert the word "townships."

Sixth. Strike out all of section 8, after the word "counties," in the 16th line.

Seventh. Also, strike out section 9.

The amendments were considered separately.

The question being put on concurring in the 1st and 2d amendments,

They were agreed to.

Mr. King moved to amend the 3d amendment as follows:

Instead of additional section proposed by the committee, substitute the following:

That the Secretary and Auditor of State superintend the publication thereof; and it shall be their duty,

First. To read and compare the proof sheets with the enrolled bills.

Second. To prepare marginal notes indicating the purport of principal sections.

Third. To arrange the statutes for publication, disposing in separate volumes the local laws, the code of practice and revised statutes.

Fourth. To prepare a full and copious index to each volume, and to make a full and complete index to the laws required to be published in pamphlet form.

On motion by Mr. Buskirk,

The whole subject was laid on the table.

On motion by Mr. Buskirk,

The following message from the Senate was taken up.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the following resolution of the House, with an amendment of the Senate thereto:

Resolved, (if the Senate concur,) That the select joint committee

on Revision be directed to examine the enrolled bills at the present session, in order to ascertain whether there be any conflicting sections, or acts, or duplicate provisions; and if so, to report a bill to perfect the same, in the publication of the Revised Code, by excluding the surplus or conflicting sections or otherwise. Also, to inquire into and report the most desirable method of arranging the different acts in the Revised Code, and as to indexing and publishing the same.

Add the following additional resolution:

Resolved, That said committee be increased by the addition of two on the part of the Senate, and three on the part of the House of Representatives.

In which the concurrence of the House is respectfully requested.

The amendments were concurred in.

Messrs. Bryant, Lindsay of Howard, and Stuart, were appointed said committee on the part of the House.

Ordered that the Clerk inform the Senate thereof.

On motion by Mr. Gibson,

The following message from the Senate was taken up:

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House:

No. 260. An act providing for the appointment of notaries public and defining their powers and duties;

With sundry engrossed amendments of the Senate thereto:

In which the concurrence of the House is respectfully requested.

The amendments were considered separately.

Mr. Gibson moved the House refuse to concur in the 1st amendment of the Senate;

Which motion prevailed.

The 2d amendment was concurred in.

On motion by Mr. Gibson,

The House refused to concur in the 3d amendment of the Senate.

Ordered that the Clerk inform the Senate thereof.

On motion by Mr. Bryant,

The following messages from the Senate were taken up:

A message from the Senate, by Mr. Dunn, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives

that the Senate has passed the following engrossed bill of the House :

No. 137. An act to provide for a general and uniform system of common schools and school libraries and matters properly connected therewith ;

With sundry engrossed amendments of the Senate thereto.

In which the concurrence of the House is respectfully requested.

The amendments were considered separately.

On motion by Mr. Bryant,

The 1st and 2d engrossed amendments of the Senate were concurred in.

Mr. Bryant moved to concur in the 3d engrossed amendment of the Senate with the following amendment :

Strike out from the word "townships" inclusive to the end of the section and insert the words, "counties as follows: to each county having a population of 15,000 inhabitants and upwards, ten libraries; to each county having a population of 10,000 and less than 15,000 inhabitants, eight libraries; and to each county having a population of less than 10,000 inhabitants, six libraries, which shall be distributed equitably by the boards of county commissioners to the townships of their respective counties.

Which was agreed to.

The engrossed amendment of the Senate as amended was then concurred in.

The 4th engrossed amendment of the Senate was concurred in.

Mr. King moved to concur in the 5th engrossed amendment of the Senate with the following amendment :

Add "Irish" after the words "French and German."

And the question being put,

The ayes and noes were demanded by Messrs. Suit and Stanfield.

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Behm, Brady, Bulla, Buskirk, Cockrum, Cromwell, Donnohue, Douthit, Geddes, Gookins, Graham, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Hudson, King, Laverty, Leviston, Lindsey of Fayette, Lindsay of Howard, Marrs, McConnell, Miller, Reynolds, Sale, Schoonover, Scudder, Smith of Marion, Smith of Spencer, Stover, Stuart, Suit, Thompson, and Mr. Speaker—38.

Those who voted in the negative were,

Messrs. Beane, Bryant, Carpenter, Chowning, Cowgill, Crawford, Davis of Franklin, Dice, Dobson, Donaldson, Donham, Eccles, Foster, Gibson, Goudy, Gunn, Henry, Holladay, Howell, Huey, Hufferstetter, Hunt, Major, Manson, McAllister, McDonald, Mudgett,

Nelson, Porter, Price, Ray, Stanfield, Staton, Struble, Sumner, Sweet, Taggart, Torbet, Walker, Watson, Williams, and Wilson—42.

So the amendment was disagreed to.

Mr. Smith of Marion moved to concur in the engrossed amendment of the Senate, with the following amendment:

Or a school in which English shall be taught in connection with German or French.

Which was disagreed to.

The question then recurred on concurring in the 5th engrossed amendment of the Senate;

And being put,

The ayes and noes were demanded by Messrs. Graham and Stover.

Those who voted in the affirmative were,

Messrs. Barker, Beane, Beeson, Behm, Bulla, Cromwell, Davis of Franklin, Douthit, Graham, Hart, Hay of Clark, Humphreys, King, Lindsey of Fayette, McDonald, McDowell, Smith of Marion, Stanfield, Stuart, Suit, Williams, Wilson, and Mr. Speaker—23.

Those who voted in the negative were,

Messrs. Brady, Bryant, Carpenter, Chowning, Cowgill, Dice, Donaldson, Donham, Donnohue, Eccles, Foster, Geddes, Goudy, Gunn, Hanna, Hays of White, Helmer, Henry, Holladay, Howell, Hudson, Huey, Huffstetter, Hunt, Lavery, Lawrence, Leviston, Lindsay of Howard, Major, Manson, Marrs, McAllister, McConnell, Miller, Mudgett, Nelson, Porter, Price, Ray, Reynolds, Sale, Scudder, Smith of Spencer, Staton, Stevens, Stover, Struble, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, and Watson—54.

So the amendment was not concurred in.

Ordered that the clerk inform the Senate thereof.

A message from the Senate by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the engrossed amendment of the House to engrossed joint resolution of the Senate No. 170, "a joint resolution authorizing the Secretary of State to circulate an act to provide for the incorporation of rail road companies," with an engrossed amendment of the Senate thereto.

In which the concurrence of the House is respectfully requested.

The engrossed amendments of the Senate were concurred in.
Ordered, that the clerk inform the Senate thereof.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House:

No. 45, "an act to enforce the thirteenth article of the Constitution;"

With the accompanying engrossed amendments of the Senate thereto.

In which the concurrence of the House is respectfully requested.

The amendments were considered separately.

On motion by Mr. Bryant,

The first engrossed amendment of the Senate was concurred in.

The question then being put on concurring in the 2d engrossed amendment of the Senate,

The ayes and noes were demanded by Messrs. McDowell and Stanfield.

Those who voted in the affirmative were,

Messrs. Barker, Beane, Crawford, Cromwell, Dobson, Donham, Douthit, Eccles, Foster, Hart, Hay of Clark, Helmer, Howell, Huffstetter, Humphreys, Manson, Marrs, McAllister, Porter, Ray, Sale, Stover, Struble, Stuart, Taggart, Thompson, Williams, and Mr. Speaker—28.

Those who voted in the negative were,

Messrs. Beeson, Behm, Brady, Bryant, Bulla, Carpenter, Chowning, Cockrum, Cowgill, Davis of Franklin, Dice, Donaldson, Donnohue, Graham, Gunn, Hanna, Henry, Holladay, Hudson, Hunt, King, Laverty, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, McDonald, McDowell, Miller, Mudgett, Nelson, Price, Reynolds, Scudder, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Suit, Sweet, Torbet, Walker, Watson, and Wilson—46.

So the amendment was not concurred in.

Ordered that the Clerk inform the Senate thereof.

A message from the Senate by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has receded from its disagreement to 2d engrossed amendment of the House to engrossed bill of the Senate No. 124, a bill to establish and regulate ferries, and insist upon their disagreement to the first engrossed amendment thereto, and have appointed Messrs. Emerson and Davis a committee of free conference to act with a similar committee already appointed upon the part of the House.

A message from the Senate by Mr. Dunn their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bills of the House:

No. 261. An act touching the relation of guardian and ward.

No. 278. An act to extend the time for complying with the provisions of an act entitled "An act for the relief of the persons therein named," approved January 26, 1847.

Without amendment.

Mr. Smith of Marion, chairman of the committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The committee on Enrolled Bills have compared the following enrolled with the engrossed bills of the House of the corresponding numbers, and report them to the House correctly enrolled.

No. 207. An act regarding the public works of the State.

No. 254. An act fixing the per diem and mileage of members of the General Assembly, secretaries, clerks and doorkeepers.

No. 258. An act in relation to county treasurers.

Whereupon the Speaker signed the same.

Ordered that the clerk inform the Senate thereof.

Mr. Cowgill, from the committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The committee on Enrolled Bills have compared the following enrolled with the engrossed of the House of the corresponding number, and report the same to the House correctly enrolled:

No. 209. An act concerning enclosures, trespassing animals, and partition fences.

Whereupon the Speaker signed the same.

Ordered that the clerk inform the Senate thereof.

Mr. Laverty, from the joint committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The joint committee on Enrolled Bills have this day presented to the Governor for his approval enrolled bills of the House numbered 207, 209, 254 and 258.

A message from the Governor, by Mr. King, Executive messenger:

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives that he has approved and signed the following bills, to-wit:

No. 254. An act fixing the per diem and mileage of the members of the General Assembly, secretaries, clerks and doorkeepers.

No. 207. An act regarding the public works of the State.

No. 258. An act in relation to county treasurers.

No. 209. An act concerning enclosures, trespassing animals, and partition fences.

Which bills originated in the House of Representatives.

On motion by Mr. Stover,

The House adjourned.

SATURDAY MORNING, 8 o'clock, }
June 5, 1852.

The House met.

The clerk proceeded to read the journal of yesterday.

When,

On motion by Mr. Barker,

The further reading thereof was dispensed with.

PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Howell:

A memorial from sundry citizens of Blackford county, praying for the passage of a law similar to the Maine liquor law;

Which,

On motion,

Was referred to the committee on Temperance.

RESOLUTIONS OF THE HOUSE.

On motion by Mr. Stanfield,

Resolved, That the committee on Ways and Means be instructed to report the specific appropriation bill by Tuesday morning next.

Mr. Doughty submitted the following resolution:

Resolved, That from and after Monday next, the House will meet at half past seven o'clock in the morning.

Mr. Gibson moved to amend the resolution by striking out "7½ o'clock," and inserting "6 o'clock."

On motion by Mr. Smith of Spencer,

The resolution and amendment were laid on the table.

Mr. Gibson moved that the vacancy occasioned by the absence of Mr. Owen, on the committee on Revision, be supplied.

Which was agreed to.

Mr. Torbet was added to said committee.

On motion by Mr. Buskirk,

The order of business was suspended;

And the message containing the resolution of the Senate, authorizing the Secretary of State to employ additional help to enrol the acts of the present General Assembly, was taken from the table.

The question pending being on Mr. Taggart's amendment to the amendment offered on yesterday.

It was disagreed to.

Mr. Buskirk moved to lay the whole subject on the table;

Which motion did not prevail.

Mr. Gibson moved to amend by striking out from the resolving clause, and inserting the following:

That a select committee of five be appointed, whose duty it shall be to enrol all bills originating in the House.

And the question being put,

The ayes and noes were demanded by Messrs. Manson and King.

Those who voted in the affirmative were,

Messrs. Beane, Behm, Carpenter, Dice, Dobson, Donham, Donohue, Eccles, Gibson, Hay of Clark, Hays of White, Henry, Hudson, Humphreys, Hunt, Leviston, Lindsay of Howard, Manson, Marrs, McAllister, McDowell, Miller, Ray, Schoonover, Scudder, Shanklin, Smith of Spencer, Struble, Sweet, Taggart, Wilson, Withers, and Mr. Speaker—33.

Those who voted in the negative were,

Messrs. Barker, Beeson, Brady, Bryant, Bulla, Buskirk, Chowning, Cockrum, Cowgill, Crawford, Donaldson, Douthit, Foster, Geddes, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Helmer, Holladay, Holman, Howell, Huffstetter, King, Lavery, Lawrence, Lindsey of Fayette, Major, Mayfield, McConnell, McDonald, Nelson, Porter, Reynolds, Smith of Marion, Stanfield, Staton, Stevens, Stover, Suit, Thompson, Torbet, Walker, Watson, Wells, and Williams—48.

So the amendment was disagreed to.

Mr. Graham moved to amend by striking out from the resolving clause and inserting the following ;

That the clerk of the House be authorized to employ clerks to enrol the bills of the House at a compensation not to exceed the regular pay of the clerks of the House.

Mr. Schoonover moved to lay the whole subject on the table.

Which was disagreed to.

The question then recurred on the adoption of Mr. Graham's amendment,

And being put ;

It was disagreed to.

Mr. Stover moved to amend the amendment as follows :

And that he be paid out of the State Treasury the necessary expenses of such additional clerk hire.

Which was disagreed to.

Mr. Hanna moved to amend the amendment as follows :

And that the Secretary of State be allowed 8 cents per 100 words, for all enrolling done after Monday next.

Which motion did not prevail.

The question then being put, on concurring in the resolution of the Senate as amended.

It was disagreed to.

Ordered that the clerk inform the Senate thereof.

Mr. Carpenter submitted the following resolution :

Resolved, That the committee on Ways and Means be instructed

to put in the specific appropriation bill an allowance of one hundred and fifty dollars per annum to the prosecuting attorney of the 4th judicial circuit according to the laws of 1849.

Which was disagreed to.

On motion by Mr. Manson,

The vote just taken was reconsidered.

The question then recurred on the adoption of the resolution;

And being put;

The ayes and noes were demanded by Messrs. Holman and McConnell.

Those who voted in the affirmative were,

Messrs. Barker, Beane, Behm, Brady, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Dobson, Donham, Donnohue, Doughty, Douthit, Gookins, Goudy, Graham, Gunn, Huey, Hunt, King, Lawrence, Leviston, Linsday of Howard, Manson, Marrs, Mayfield, McAllister, McDonald, Nelson, Ray, Scudder, Shanklin, Smith of Marion, Stanfield, Stevens, Suit, Taggart, Torbet, Walker, Watson, and Williams—43.

Those who voted in the negative were,

Messrs. Beeson, Bulla, Dice, Donaldson, Foster, Hanna, Hay of Clark, Hays of White, Helmer, Holladay, Holman, Howell, Huffstetter, Humphreys, Laverty, Lindsey of Fayette, Major, McConnell, McDowell, Reynolds, Smith of Spencer, Stover, Struble, Sweet, Thompson, Wells, Wilson, Withers, and Mr. Speaker—29.

So the resolution was agreed to.

By unanimous consent of the House,

Mr. Torbet obtained leave and introduced,

No. 304. A bill respecting receivers;

Which was read a first time and passed to a second reading.

On motion by Mr. Hudson,

The order of business was suspended;

And the following message from the Senate was taken up:

A message from the Senate by Mr. Dunn, their secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has refused to concur in the engrossed amendments of the House to engrossed bill of the Senate No. 153, "a bill providing for the settlement of decedents' estates, prescribing the rights, liabilities, and duties of officers connected with the management

thereof, and of the heirs thereto, and certain forms to be used in such settlement:

On motion by Mr. Hudson,

The House insisted on its amendments to the Senate bill contained in the foregoing message; and,

On motion,

Messrs. Hudson and Bryant were appointed a committee of Conference on the part of the House.

Ordered, that the clerk inform the Senate thereof.

On motion by Mr. Torbet,

House bill No. 294, a bill in relation to the printing and distribution of the revised statutes and the code of civil and criminal practice.

Was taken from the table, and referred to the committee on Revision.

Senate bill No. 181, a bill to change the time of holding circuit court in the county of Jennings.

Was taken up and read a time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Dice, Dobson, Donaldson, Donham, Donnohue, Doughty, Douthit, Eccles, Gibson, Gookins, Goudy, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Holladay, Holman, Howell, Hudson, Huey, Huffstetter, Hunt, King, Lavery, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Marrs, Mayfield, McAllister, McDonald, Miller, Mudgett, Nelson, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers and Mr. Speaker—77.

Mr. McDowell voted in the negative.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

Mr. Gibson called up House bill No. 273, a bill to authorize railroad companies to increase the amount of their capital stock,

Which was lost on its passage on yesterday.

Mr. McDowell moved to recommit the bill, with the following instructions:

SEC. —. The Legislature reserves the right to alter or repeal this act; but if repealed, the remainder of its assets, after paying the debts of the corporation, shall be divided among the stockholders in proportion to the amount of stock paid in by each stockholder.

SEC. —. The directors of any company that may accept the provisions of this act, shall be liable in their individual property for any debt that may be contracted in the name of any company as aforesaid, over and above the solvent stock of any company formed as aforesaid.

And the question being put,

The ayes and noes were demanded by Messrs. Williams and McDowell.

Those who voted in the affirmative were,

Messrs. Beane, Brady, Crawford, Dobson, Holladay, Holman, Howell, Humphreys, Manson, McDowell, Nelson, Reynolds, Schoonover, Scudder, Smith of Marion, Stanfield, Taggart, Torbet, Wells, and Williams—20.

Those who voted in the negative were,

Messrs. Barker, Beeson, Behm, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Cromwell, Davis of Franklin, Dice, Donham, Donnohue, Doughty, Douthit, Eccles, Foster, Gibson, Gookins, Goudy, Graham, Gunn, Hauna, Hart, Hay of Clark, Hays of White, Helmer, Huey, Huffstetter, Hunt, King, Laverty, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Marrs, Mayfield, McAllister, McDonald, Price, Ray, Sale, Shanklin, Smith of Spencer, Stevens, Struble, Suit, Sweet, Thompson, Walker, Watson Wilson, and Withers—57.

So the bill was not recommitted with the instructions.

The question then recurred on the passage of the bill;

And being put,

Those who voted in the affirmative were,

Messrs. Beeson, Behm, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Cromwell, Davis of Franklin, Donaldson, Donham, Donnohue, Doughty, Douthit, Gibson, Gookins, Goudy, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Holladay, Hudson, Huey, Hunt, King, Laverty, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Manson, Marrs, Mayfield, McAllister, McDonald, Price, Reynolds, Sale, Scudder, Stanfield, Staton, Stevens, Struble, Suit, Thompson, Walker, Watson, Wilson, Withers and Mr. Speaker—56.

Those who voted in the negative were,

Messrs. Barker, Beane, Brady, Crawford, Dice, Dobson, Eccles, Hart, Holman, Howell, Huffstetter, Humphreys, Major, McConnell, McDowell, Miller, Nelson, Porter, Schoonover, Shanklin, Smith of Marion, Stover, Sweet, Taggart, Torbet, Wells, and Williams—28.

On motion by Mr. Stanfield,

By the unanimous consent of the House,

The title of the bill was amended so as to read "A bill to increase the number of directors of rail road companies, and to authorize the subscription of stock to branch roads."

Ordered that the Clerk inform the Senate of the passage of the bill.

Mr. Manson moved to suspend the order of business, and take up the bill relative to taxing the Wabash and Erie canal.

Which was disagreed to.

ORDERS OF THE DAY.

Senate bill No. 176, a bill for the incorporation of cities;

Was read a second time, and considered as in committee of the whole and reported to the House without amendment.

Mr. Brady moved to refer the bill to a select committee of seven;

And the question being put,

The ayes and noes were demanded by Messrs. Brady and Gibson.

Those who voted in the affirmative were,

Messrs. Barker, Beane, Brady, Bryant, Bulla, Carpenter, Chowning, Cockrum, Cowgill, Cromwell, Davis of Franklin, Donaldson, Donham, Douthit, Eccles, Geddes, Gookins, Goudy, Graham, Hart, Helmer, Holladay, Holman, Hudson, Humphreys, Hunt, Lavery, Lawrence, Leviston, Major, Marrs, McAllister, McDowell, Miller, Mudgett, Price, Sale, Shanklin, Smith of Marion, Stevens, Stuart, Taggart, Torbet, Walker, Wilson, and Mr. Speaker—46.

Those who voted in the negative were,

Messrs. Beeson, Behm, Buskirk, Crawford, Dice, Dobson, Donnohue, Doughty, Foster, Gibson, Hay of Clark, Henry, Howell, Huey, Huffstetter, Owen, Ray, Reynolds, Schoonover, Smith of Spencer, Stanfield, Staton, Stover, Struble, Suit, Sumner, Sweet, Wells, Williams, and Wilson—30.

So the bill was referred.

Messrs. Brady, Carpenter, Gookins, Nelson, Torbet, Behm and King, were appointed said committee.

On motion by Mr. Bryant,

The vacancies on the committee of districting the State into judicial circuits, occasioned by the death of Mr. Morris, and the absence of Mr. Lewis, were ordered to be supplied by appointment.

Messrs. Howell and Smith of Spencer were appointed to said committee.

House bill No. 302, a bill in relation to the assessment and taxation of the stock of canal companies,

Was read a second time, and considered as in committee of the whole, and reported to the House without amendment.

Mr. Dobson moved to amend the bill as follows:

Strike out the word "including," and insert "excepting" Wabash and Erie canal.

And the question being put,

The ayes and noes were demanded by Messrs. Stanfield and Suit.

Those who voted in the affirmative were,

Messrs. Bhém, Brady, Bryant, Bulla, Carpenter, Cockrum, Cromwell, Davis of Franklin, Dobson, Donaldson, Donnohue, Doughty, Geddes, Gookins, Goudy, Graham, Gunn, Hays of White, Helmer, Holladay, Hudson, Hunt, Laverty, Lawrence, Marrs, Miller, Mudget, Nelson, Price, Reynolds, Sale, Stanfield, Staton, Stevens, Stover, Thompson, Walker, Watson, Wells, and Williams—40.

Those who voted in the negative were,

Messrs. Barker, Beane, Beeson, Buskirk, Chowning, Crawford, Dice, Donham, Douthit, Eccles, Foster, Gibson, Hanna, Hart, Hay of Clark, Henry, Holman, Howell, Huey, Huffstetter, Humphreys, Leviston, Lindsay of Howard, Major, Manson, McAllister, McConnell, McDowell, Porter, Ray, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Struble, Suit, Sumner, Sweet, Taggart, Wilson, and Mr. Speaker—41.

The question then being put on ordering the bill to be engrossed,
The ayes and noes were demanded by Messrs. Hudson and Donaldson.

Those who voted in the affirmative were,

Messrs. Barker, Beane, Beeson, Brady, Buskirk, Chowning, Crawford, Dice, Donham, Douthit, Eccles, Foster, Gibson, Hart, Hay of

Clark, Henry, Holman, Howell, Huey, Huffstetter, Humphreys, Leviston, Lindsay of Howard, Major, Manson, McAllister, McConnell, McDowell, Miller, Nelson, Porter, Ray, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Struble, Suit, Sumner, Sweet, Taggart, Wells, Wilson, Withers, and Mr. Speaker—45.

Those who voted in the negative were,

Messrs. Behm, Bryant, Bulla, Carpenter, Cockrum, Cromwell, Davis of Franklin, Dobson, Donaldson, Donnohue, Doughty, Geddes, Gookins, Goudy, Graham, Gunn, Helmer, Holladay, Hudson, Hunt, Lavery, Lawrence, Marrs, Mudgett, Price, Reynolds, Sale, Stanfield, Staton, Stevens, Stover, Thompson, Walker, Watson, and Williams—35.

So the bill was ordered to be engrossed.

By unanimous consent of the House,

Mr. Stover obtained leave and made the following report:

MR. SPEAKER:

The select joint committee on Revision, to whom was referred House bill No. 124, "a bill to provide for the incorporation of towns," have had the same under consideration, and directed me to report the same back and recommend that it be laid on the table, inasmuch as there has been a law passed on that subject.

Which was concurred in.

House bill No. 298, a bill for revenue purposes, and to establish a sinking fund, with commissioners for the same, for the redemption of the bonds of the State, &c.;

Was read a second time and considered as in committee of the Whole, and reported to the House without amendment.

Mr. Stanfield moved to amend the bill by striking out that provision declaring it an emergency;

Which was agreed to.

The bill was then ordered to be engrossed.

House bill No. 300, a bill relative to the salaries of public officers, and providing the manner of paying the same;

Was read a second time, and considered as in committee of the Whole, and reported back to the House, without amendment.

Mr. Schoonover moved to amend the bill by striking out from the enacting clause, and inserting the following:

There shall be allowed to the several officers of government, and persons hereinafter mentioned, the following annual salaries, to be

paid quarterly out of any moneys in the treasury belonging to the general fund, and not otherwise specially appropriated by law, that is to say :

1st. To the Governor fifteen hundred (1500) dollars.

2d. To the Secretary of State, eight hundred (800) dollars ; to the Auditor of State, Treasurer of State, and Judges of the Circuit Court, each one thousand (1000) dollars; to the Judges of the Supreme court, each twelve hundred (1200) dollars.

3d. To the Governor's private secretary, three hundred and fifty (350) dollars.

4th. To the Superintendent of Public Instruction twelve hundred (1200) dollars.

5th. To prosecuting attorneys of the several judicial circuits three hundred (300) dollars each, and docket fees allowed by law in the circuit court.

6th. To the State Librarian, the sum of five hundred (500) dollars.

7th. To the Superintendent of the Insane and the Deaf and Dumb Asylum, each one thousand (1000) dollars; to the Superintendent of the Asylum for the Blind, eight hundred (800) dollars.

8th. To the Warden of the State Prison, six hundred (600) dollars.

9th. To the Physician of the State Prison, the sum of four hundred (400) dollars.

10th. To the Chaplain of the State Prison, the sum of one hundred and fifty (150) dollars.

11th. To the Adjutant and Quartermaster General, each the sum of one hundred (100) dollars.

SEC. 2. The salaries allowed in section 1 shall be paid upon warrants drawn by the Auditor of State on the first day of January, April, July, and October, in every year.

Mr. Suit moved to amend the amendment by inserting in the proper place :

"To the judges of the supreme and circuit courts \$1,250."

And the question being put,

The ayes and noes were demanded by Messrs. Suit and Stanfield.

Those who voted in the affirmative were,

Messrs. Beane, Bryant, Geddes, Gibson, Hay of Clark, Howell, Hunt, Marrs, Sale, Smith of Marion, Stanfield, Stover, Suit, and Wilson—14.

Those who voted in the negative were,

Messrs. Barker, Beeson, Behm, Brady, Bulla, Buskirk, Chowning, Cockrum, Crawford, Cromwell, Davis of Franklin, Dice, Dobson, Donham, Donnohue, Doughty, Douthit, Eccles, Foster, Goudy, Graham, Hanna, Hart, Helmer, Henry, Holladay, Holman, Huev

stetter, Humphreys, King, Lavery, Lawrence, Lindsay of Howard, Major, Manson, McAllister, McConnell, McDowell, Miller, Mudget, Nelson, Porter, Price, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Spencer, Staton, Stevens, Struble, Sweet, Taggart, Walker, Watson, Wells, Williams, Withers, and Mr. Speaker—61.

Mr. Carpenter refused to vote.

So the amendment to the amendment was disagreed to.

Mr. Miller moved to amend the amendment as follows:

Strike out \$1200 and insert \$1000 for Superintendent of Public Instruction.

And the question being put on its adoption,

The ayes and noes were demanded by Messrs. McDonald and Graham.

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Brady, Bulla, Carpenter, Cockrum, Cromwell, Davis of Franklin, Donham, Doughty, Eccles, Foster, Gibson, Goudy, Graham, Hanna, Hart, Hay of Clark, Holman, King, Lawrence, Leviston, Major, Marrs, McDonald, Miller, Ray, Sale, Shanklin, Smith of Spencer, Staton, Stevens, Struble, Suit, Taggart, Walker, Watson, Williams, Withers, and Mr. Speaker—40.

Those who voted in the negative were,

Messrs. Beane, Behm, Bryant, Buskirk, Chowning, Crawford, Dice, Dobson, Donaldson, Donnohue, Douthit, Geddes, Hays of White, Helmer, Henry, Holladay, Howell, Hudson, Huey, Humphreys, Hunt, Lavery, Lindsay of Howard, Manson, McAllister, McConnell, McDowell, Mudget, Nelson, Porter, Price, Reynolds, Smith of Marion, Stanfield, Stover, Stuart, Sweet, Wells, and Williams—39.

So the amendment was agreed to.

Mr. Doughty moved to amend the amendment as follows:

Strike out and insert in the proper place, "for superintendent of the Blind Institution, \$1,000."

Pending which,

On motion by Mr. Lindsay of Howard,

The bill and pending amendment were laid on the table.

On motion by Mr. McDonald,

The following message from the Senate was taken up:

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the Senate:

No. 185. "A bill fixing the salaries of public officers, and prescribing the manner of paying the same."

In which the concurrence of the House is respectfully requested.

The bill was read a first time and passed to a second reading.

On motion by Mr. McDonald,
House bill No. 300, a bill relative to the salaries of public officers,
&c.;

Was taken from the table.

The question pending being on the adoption of Mr. Doughty's amendment to the amendment,

Mr. Douthit called the previous question;

Which was not seconded by the House.

Mr. Suit moved that the House adjourn;

Which motion did not prevail.

Mr. Nelson moved to lay the whole subject on the table;

Which was disagreed to.

The question then being put on the adoption of Mr. Doughty's amendment,

It was disagreed to.

Mr. McDonald moved to amend the amendment as follows:

Amend the amendment by making the salaries of Supreme Judges, Circuit Judges, Superintendent of Lunatic Asylum, Deaf and Dumb Asylum, and Superintendent of Common Schools, of an equal blank amount.

And the question being put,

The ayes and noes were demanded by Messrs. McDonald and Gibson.

Those who voted in the affirmative were,

Messrs. Beane, Crawford, Cromwell, Doughty, Geddds, Gibson, Hay of Clark, Hays of White, Huey, Lawrence, McDonald, Porter, Smith of Spencer, Stanfield, Staton, Stover, Suit, Sumner, Taggart, Williams and Wilson—21.

Those who voted in the negative were,

Messrs. Barker, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Davis of Franklin, Dice, Dobson, Donaldson, Donham, Donnohue, Douthit, Eccles, Foster, Graham, Hanna, Hart, Helmer, Henry, Holladay, Holman, Howell, Hudson, Huffstetter, Humphreys, Hunt, King, Laverty, Leviston, Lindsay of Howard, Manson, Marrs, McAllister, McConnell, Miller,

Mudget, Nelson, Price, Ray, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Stevens, Struble, Sweet, Thompson, Walker, Watson, Wells, Withers, and Mr. Speaker—60.

So the amendment to the amendment was disagreed to.

Mr. Nelson moved to lay the bill and amendment on the table.

Which was disagreed to.

Mr. Geddes moved to amend the amendment as follows:

Strike out \$1,000 and insert \$1200 for superintendent of the Asylum for the Insane;

Which was disagreed to.

The question then recurred on the adoption of Mr. Schoonover's amendment;

And being put,

The ayes and noes were demanded by Messrs. Williams and Manson.

Those who voted in the affirmative were,

Messrs. Barker, Beane, Beeson, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Crawford, Dice, Dobson, Doughty, Douthit, Eccles, Hanna, Hay of Clark, Helmer, Huey, Huffstetter, Humphreys, Lavery, Leviston, Lindsay of Howard, Marrs, McAllister, McConnell, Miller, Mudget, Nelson, Porter, Ray, Reynolds, Schoonover, Scuder, Smith of Marion, Stanfield, Staton, Stover, Struble, Thompson, Wells, and Mr. Speaker—42.

Those who voted in the negative were,

Messrs. Behm, Brady, Bryant, Cowgill, Davis of Franklin, Donaldson, Donham, Donnohue, Geddes, Gibson, Graham, Hart, Hays of White, Henry Holladay, Holman, Howell, Hudson, Hunt, Lawrence, Major, Manson, McDonald, Price, Sale, Shanklin, Smith of Spencer, Stevens, Suit, Sumner, Sweet, Taggart, Walker, Watson, Williams, Wilson, and Withers—37.

So the amendment was agreed to.

The question then being, shall the bill be engrossed?

And being put,

The ayes and noes were demanded by Messrs. Gibson and McDonald.

Those who voted in the affirmative were,

Messrs. Barker, Beane, Beeson, Bulla, Buskirk, Carpenter, Chowning, Crawford, Cromwell, Dice, Dobson, Donaldson, Doughty, Douthit, Eccles, Hanna, Hart, Hay of Clark, Hays of White, Hel-

mer, Holman, Huey, Huffstetter, Humphreys, Leviston, Linsday of Howard, Marrs, McAllister, Miller, Mudget, Nelson, Porter, Ray, Reynolds, Schoonover, Scudder, Stanfield, Staton, Stover, Struble, Sumner, Taggart, Thompson, Wells, Wilson, and Mr. Speaker—46.

Those who voted in the negative were,

Messrs. Behm, Brady, Bryant, Cockrum, Cowgill, Davis of Franklin, Donham, Donnohue, Foster, Geddes, Gibson, Goudy, Graham, Henry, Holladay, Howell, Hudson, Hunt, King, Lavery, Lawrence, Major, Manson, McDonald, Price, Sale, Shanklin, Smith of Marion, Smith of Spencer, Stevens, Süt, Sweet, Walker, Watson, Williams, and Withers—36.

So the bill was ordered to be engrossed.

By unanimous consent of the House,

Mr. Stanfield obtained leave and offered the following resolution :

Resolved, That the committee appointed to attend the funeral of the late Hon. I. H. Morris, be instructed to certify to the committee of Ways and Means the expenses of such funeral, and it shall be the duty of the committee on Ways and Means to put the same in the specific appropriation bill.

Which was agreed to.

On motion by Mr. Hart,

The House adjourned.

2 o'clock, P. M.

The House met.

On motion,

Mr. Linsday of Howard was excused from serving on the select committee on Revision.

Mr. Gookins was appointed to supply the vacancy thus occasioned in said committee.

On motion by Mr. Buskirk,

The committee on Ways and Means obtained leave of absence for the remainder of this afternoon.

Mr. Geddes, by the consent of the House, submitted the following:

Resolved, That the Door-keeper be instructed to request the Gas Company to stop the leakage of the gas in the State House.
Which was agreed to.

The orders of the day were resumed.

Senate bill No. 151, a bill providing for the government of the State University, the management of its funds, and for the disposition of the lands thereof ;

Was read a third time.

On motion,
The bill was laid on the table.

A message from the Senate, by Mr. Dunn, their secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the Senate :
No. 180, general provisions in relation to railroad companies ;
In which the concurrence of the House is respectfully requested.
The bill was read a first time and passed to a second reading.

A message from the Senate by Mr. Dunn their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the Senate No. 165, "a bill supplemental to an act to provide for the incorporation of railroad companies."

In which the concurrence of the House is respectfully requested.
The bill was read a first time and passed to a second reading.

A message from the Senate, by Mr. Dunn, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bills thereof:
No. 186. A bill providing for the organization of county boards and prescribing some of their powers and duties.

No. 187. A bill to change the time of holding the probate court of Dearborn county and providing for a two weeks' session if the business requires it.

In which the concurrence of the House is respectfully requested.

Senate bills Nos. 186 and 187, contained in the foregoing message, were each read a first time and passed to a second reading.

On motion by Mr. Beeson,

The message and Senate bill No. 171, contained therein was laid on the table.

A message from the Senate by Mr. Dunn their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House Representatives that the Senate has passed the following resolution:

Resolved, That the Senate will, the House concurring, adjourn *sine die* on Tuesday the 15th inst.

In which the concurrence of the House is respectfully requested.

The resolution contained in the foregoing message was concurred in.

Ordered, that the clerk inform the Senate thereof.

A message from the Senate by Mr. Dunn their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following resolution:

Resolved, That the Secretary of State be requested to employ a sufficient number of clerks to complete the enrollment of the acts of the present General Assembly by the 15th inst., and that he ought to be allowed additional compensation, if the amount now allowed by law is not sufficient to pay the actual expenses of such enrollment.

In which the concurrence of the House is respectfully requested.

The resolution contained in the foregoing report, was concurred in.

Ordered, that the clerk inform the Senate thereof.

A message from the Senate containing House bill No. 45, was taken up.

On motion by Mr. Mudgett,

The message and bill were laid on the table.

On motion by Mr. Gibson,

The following message from the Senate was taken up.

A message from the Senate by Mr. Dunn their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate insist upon its engrossed amendments to engrossed

bill of the House No. 260, "An act providing for the appointment of notaries public, and defining their powers and duties," and have appointed Messrs. Niblack and Winstandley a committee of free conference on the part of the Senate to take into consideration the disagreement of the two Houses.

In which the concurrence of the House is respectfully requested.

The House insisted on its disagreement to the engrossed amendments of the Senate to the bill contained in the foregoing message.

On motion,

Messrs. Gibson and Stover were appointed a committee of conference on the part of the House.

Ordered that the Clerk inform the Senate thereof.

House bill No. 303, a bill to regulate the formation of Mutual Fire Insurance Companies,

Was read a second time and considered as in committee of the whole and reported to the House without amendment.

The bill was then ordered to be engrossed.

By unanimous consent of the House,

Mr. Stuart obtained leave and offered the following resolution:

Resolved, That the State Printer be directed to print, in a separate form, nine hundred copies of the several acts named in joint resolution of the Senate No. 170, in addition to the ninety-one copies ordered by the Secretary of State, under said joint resolution, for the use of the members of the General Assembly.

Which was agreed to.

Mr. Beeson moved that the House adjourn;

Which motion did not prevail.

By unanimous consent of the House.

Mr. Scudder obtained leave and introduced

No. 305. A bill to extend the terms of the probate court of Daviess county;

Which was read a first time and passed to a second reading.

Senate bill No. 116, a bill establishing general provisions respecting corporations;

Was read a third time.

On motion by Mr. Dobson,

The bill was laid on the table.

On motion by Mr. English,

Resolved, That hereafter the House will meet at 7½ o'clock in the morning.

Mr. Smith of Marion, chairman of the committee on Enrolled Bills, made the following report :

MR. SPEAKER :

The committee on Enrolled Bills have compared the following enrolled with the engrossed bill of the House of the corresponding number, and report the same to the House correctly enrolled :

No. 195. An act dividing the State into counties, and defining their boundaries, and defining the jurisdiction of such as border on the Ohio and Wabash rivers.

Whereupon the Speaker signed the same.

Ordered that the Clerk inform the Senate thereof.

A message from the Senate by Mr. Dunn their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bills of the House :

No. 14. "An act for the subscription to, and preservation of the public newspapers printed in the several counties of this State."

No. 279. "A bill to require certain officers to execute further official bonds, and to take an additional oath."

Without amendment.

Mr. Laverty, from the joint committee on Enrolled Bills, made the following report :

MR. SPEAKER :

The joint committee on Enrolled Bills have compared enrolled bills of the Senate numbered 138, 139 and 152 with the engrossed copies thereof, and find the same correctly enrolled.

A message from the Senate, by Mr. Dunn, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate insists upon its disagreement to the engrossed amendments of the House to engrossed bill of the Senate No. 153, "A bill providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and of the heirs thereto, and certain forms to be used in such settlement," and have appointed Messrs. Hester and Hanna a committee of free conference on the part of the Senate, to act with a similar committee already appointed upon the part of the House.

Mr. Cowgill, from the committee on Enrolled bills, made the following report:

MR. SPEAKER:

The committee on Enrolled bills have compared the following enrolled with the engrossed bill of the House of the corresponding number, and report the same to the House correctly enrolled:

No. 203. An act regulating general elections, and prescribing the duties of officers in relation thereto.

Whereupon the Speaker signed the same.

Ordered that the Clerk inform the Senate thereof.

On motion by Mr. English,
The House adjourned.

MONDAY MORNING, 7½ o'clock, }
June 7, 1852. }

The House met.

The Clerk proceeded to read the journal of Saturday;
When,

On motion by Mr. Schoonover,

The further reading thereof was dispensed with.

Mr. Beeson moved to reconsider the vote by which the House appointed a committee of Conference on House bill No. 169, on the 2d inst.

And the question being put,

The ayes and noes were demanded by Messrs. Hart and Graham.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Buskirk, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Davis of Franklin, Dice, Donaldson, Douthit, Eccles, Foster, Gibson, Hanna, Hay of Clark, Henry, Hudson, Huffstetter, Humphreys, Hunt, Lavery, Lindsay of Howard, McDonald, McDowell, Miller, Mudget, Nelson, Porter, Reynolds, Schoonover, Staton, Stevens, Stover, Sweet, Walker, Watson, Wells, and Withers—42.

Those who voted in the negative were,

Messrs. Behm, Bryant, Carpenter, Dobson, Doughty, Goudy, Graham, Hart, Helmer, Howell, Manson, McConnell, Ray, Sale, Smith of Marion, Sumner, Taggart, Williams, Wilson, and Mr. Speaker—20.

No quorum voted.

The question being on reconsidering the vote.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Buskirk, Chowning, Cowgill, Crawford, Davis of Franklin, Dice, Donaldson, Douthit, Eccles, Gibson, Hanna, Hay of Clark, Huffstetter, Laverty, Lindsay of Howard, McDonald, McDowell, Mudgett, Nelson, Porter, Reynolds, Schoonover, Stover, Sweet, Walker, and Wells—30.

Those who voted in the negative were,

Messrs. Behm, Bryant, Carpenter, Cockrum, Dobson, Doughty, Foster, Geddes, Gookins, Goudy, Graham, Hart, Helmer, Henry, Holman, Howell, Hudson, Huey, Hunt, Lawrence, Leviston, Manson, McConnell, Price, Ray, Sale, Shanklin, Smith of Marion, Smith of Spencer, Sumner, Taggart, Watson, Williams, Wilson, and Mr. Speaker—35.

No quorum voted.

Mr. Beeson then withdrew his motion to reconsider.

Mr. Miller, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred Senate bill No. 129, a bill providing for the election of county surveyors and defining their duties, have had the same under consideration, and have directed me to report the same back with the following amendment, and after its adoption, recommend its passage.

Amend as follows:

Strike out all after the enacting clause, and insert the following—

SEC. 1. There shall be elected at the next general election in each county, and biennially thereafter, by the qualified voters thereof, a county surveyor, who shall be commissioned by the Governor, and who shall give bond in the sum of one thousand dollars, to be accepted and filed by the clerk of the circuit court, and take an oath faithfully to discharge the duties of his office.

SEC. 2. The principal surveyor shall have power to nominate

and appoint a sufficient number of deputies to perform the duties of his office, and shall be accountable for their acts.

SEC. 3. When any vacancy shall occur in the office of county surveyor, either by death, resignation or removal from office, the Governor shall appoint some competent person to fill the vacancy, until his successor is elected and qualified.

SEC. 4. It shall be the duty of such surveyor, whenever directed so to do by the board doing county business, to procure a copy of the original field notes and map, where the same have not been procured, of all the lands in his county, have the same recorded in the recorder's office, and deliver them, as well as all other papers, maps, books and charts belonging to his office, over to his successor.

SEC. 5. When the field notes aforesaid have been procured and deposited in the recorder's office in any county in this State, it shall be the duty of the recorder of every such county to record the said copy and return the same to the said surveyor.

SEC. 6. It shall be the duty of each county surveyor to preserve the said copy of field notes, and to deliver with them, a record of the field notes of all the corners by him relocated, and perpetuated under the provisions of this act, to his successor in office.

SEC. 7. All necessary expenses incurred in procuring and recording said field notes, shall be paid out of the county treasury of the proper county, on the order of the board of county commissioners.

SEC. 8. The recorder shall, on the application of any person, give a certified transcript from said record of the field notes of the survey of any section, quarter section, or other tract of land, for which certificate the recorder shall be entitled to receive fifty cents, to be paid by the individual applying for the same; and such certificate shall be received as prima facie evidence where the original would have been received.

SEC. 9. When any person, being the owner or proprietor of any land within this State, wishes to ascertain, establish, relocate or perpetuate a corner or corners thereto, or any line or lines thereof, such owner or proprietor may require the county surveyor to run such lines, or to do such other things as may be necessary for the purposes aforesaid.

SEC. 10. Such owner or proprietor shall give ten days' previous notice of the time of such survey to the owners of lands, or proprietors adjoining such land to be affected by such survey, provided such owners or proprietors are residents of the county.

SEC. 11. Such surveyor, on being satisfied that notice has been given, as required in the last previous section, shall proceed to make the necessary surveys of lines, and location or relocation of corners, as the case may require.

SEC. 12. If a corner is to be ascertained, established or relocated, and the owners or proprietors, or any of them, wish the same perpetuated, such surveyor shall proceed so to do, and shall

deposit in the place where the original stake or corner stood, or if a new corner is to be established or perpetuated, he shall deposit in the place of such corner, a stone or other durable material, having thereon the letters and figures answering to such corner or corners.

SEC. 13. That the several county surveyors of this State shall have full power and authority to administer and certify any oath required to be taken by any commissioner for the assignment of dower, or the partition of real estate, or by any commissioner or viewer, to view, mark, locate, or relocate any public highway, and whenever any county surveyor shall be appointed any such commissioner or viewer for the purposes aforesaid, he shall not be required to take an additional oath, but the duties required of such commissioner or viewer shall be taken and construed to be a part of his official duties; and the official signature of such surveyor to any report or proceedings required of such commissioner or viewer shall be sufficient on his part.

SEC. 14. Any person may, at his or her expense, cause any original corner of any section in which he may have lands situate, to be located or perpetuated, although such lands may not adjoin such corner.

SEC. 15. Whenever it shall so happen that all the proprietors of lands adjoining any corner which any county surveyor may be required to establish or perpetuate, or any line which he may be required to view and establish, are present and thereunto consenting, or under their hands in writing shall so consent, the notice required in the tenth section of this act shall not be necessary.

SEC. 16. The several county surveyors and their deputies shall have the power to administer an oath in proof of the notice required by the tenth section of this act.

SEC. 17. Whenever any county surveyor shall appoint any deputy, he shall enter on his record such appointment, with the date thereof, and before such deputy shall be entitled to exercise any of the duties of county surveyor, he shall cause to be filed with the principal surveyor the oath required of such surveyor, which such principal surveyor shall enter upon his record.

SEC. 18. It shall hereafter be the duty of the several deputy surveyors to return to the principal surveyor any and all field notes of any and all corners and lines by them established and perpetuated, within sixty days after the same are made.

SEC. 19. All chain-carriers, flag bearers and markers employed by any county surveyor while performing his official duties, shall take an oath for the faithful performance of their duties; and such surveyors and their deputies may administer such oath.

SEC. 20. The several county surveyors shall be competent to take acknowledgments of deeds for the conveyance of real estate and to certify the same under their hand and seal.

SEC. 21. All division lines which may be run to divide any of the lands sold by the United States shall be made agreeably to the

laws of the United States directing the mode of surveying public lands.

The amendment was concurred in, the bill ordered to a third reading, and the amendment ordered to be engrossed.

Mr. Huffstetter from the committee on Fees and Salaries made the following report :

MR. SPEAKER:

The committee on fees and salaries to whom was referred Senate bill No. 146, have had the same under consideration, and have directed me to report the same back with the following amendments, and as amended recommend its passage.

Strike out the bill from the enacting clause and insert :

SECTION 1. At the general election in the year 1852, and every second year thereafter there shall be elected in each judicial circuit a prosecuting attorney who shall prosecute the pleas of the State in the circuit courts of such circuit, and also, in each court of common pleas district, a district attorney, who shall prosecute the pleas of the State in the common pleas and justices' courts of such district.

SEC. 2. Every person elected to the office of prosecuting or district attorney before entering upon the duties of his office shall execute a bond in the penal sum of five thousand dollars with surety, to be approved, in case of the prosecuting attorney, by the judge of the circuit, and in case of a district attorney by the judge of the district, which bond shall be filed in the clerks' office of the county in which such prosecuting or district attorney may reside and shall be recorded by the clerk thereof in an order book of the proper court.

SEC. 3. Whenever any prosecuting or district attorney shall receive information of the commission of any felony, or such district attorney of the commission of any misdemeanor, he shall cause process to issue from a court having jurisdiction to issue the same (except the circuit court) to the proper officer directing him to subpoena the persons therein named likely to be acquainted with the commission of such felony or misdemeanor, and shall examine any person so subpoenaed, before such court touching such offence, and if the facts thus elicited are sufficient to establish a reasonable presumption of guilt against the party charged, said court shall cause so much of said testimony as amounts to a charge of a felony or misdemeanor to be reduced to writing and subscribed and sworn to by such witness. Whereupon such court shall cause process to issue for the apprehension of the accused as in other cases.

SEC. 4. Such prosecuting and district attorneys, within their respective jurisdictions, shall conduct all prosecutions for felonies or

misdemeanors, and all suits on forfeited recognizances; resist applications for changing names; protect the interests of all persons of unsound mind; and superintend on behalf of a county or any of the trust funds, any suit in which the same may be interested or involved, and shall perform all other duties required by law: *Provided*, That in suits before a justice of the peace, where the fine cannot exceed three dollars, the district attorney shall not receive a fee, nor in any other case before a justice, except when requested to prosecute the suit by the injured or complaining party.

SEC. 5. If any prosecuting or district attorney fails to attend any court of his circuit or district, as the case may be, the judge of such circuit or district shall appoint some person to prosecute for such term, who shall receive the docket fees of such term; and, if the appointment be made in the circuit court, such additional compensation as the court may deem reasonable, to be drawn from the State treasury, on the allowance of the court, and which allowance shall be deducted from the salary of such prosecutor.

SEC. 6. In the election of district attorneys, the vote shall be certified, and the commission issued in the same manner as is provided by law in the election and commission of judges of the courts of common pleas; and the district attorney, on filing his official bond, shall take and subscribe an oath to support the constitution of the United States and of this State, and for the faithful discharge of the duties of his office, which shall be entered upon the order book of the court.

The amendment was concurred in, and the bill ordered to a third reading.

Mr. Holman moved to read the bill a third time now;

Which was agreed to.

The bill was then read a third time.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Behm, Bryant, Buskirk, Carpenter, Chowning, Cowgill, Davis of Franklin, Dice, Dobson, Donaldson, Doughty, Douthit, Eccles, Foster, Geddes, Gookins, Goudy, Graham, Hanna, Hart, Hay of Clark, Hays of White, Henry, Holman, Howell, Huey, Huffstetter, Humphreys, Hunt, King, Lawrence, Leviston, Lindsay of Howard, Major, Manson, McAllister, McConnell, McDowell, Miller, Mudget, Nelson, Porter, Price, Ray, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stevens, Stuart, Sumner, Sweet, Taggart, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers and Mr. Speaker—68.

Those who voted in the negative were,

Messrs. Cockrum, Gibson, Helmer, Hudson, Laverty, Staton, and Stover—7.

So the bill passed.

The title of the bill was amended so as to read "A bill to provide for the election, and certain of the duties of prosecuting and district attorneys."

Ordered, that the Clerk inform the Senate thereof.

On motion by Mr. Buskirk.

Senate bill No. 151, a bill providing for the government of the State University, the management of its funds, &c.,

Was taken from the table.

Mr. Williams moved to recommit to a select committee of three, with instructions to apply the whole property heretofore applied to the State University, to the purposes of common schools.

Mr. Holman moved to amend the instructions by striking them out, and inserting the following:

Strike out from the enacting clause, and insert as follows:

That the following funds shall hereafter constitute a part of the common school fund, to-wit:

1st. The fund derived from the sale of lands in the reserved townships in Gibson and Monroe counties, commonly known as the College or University fund;

2d. The fund to be derived from the sale of the unsold lands in the aforesaid reserved townships, and all other lands in the same, heretofore sold and forfeited, or which shall become forfeited to the State;

3d. The fund to be derived from the real estate and effects heretofore applied by the State to the use of the State University at Bloomington, in Monroe county;

4th. The fund to be derived from the sale of square number twenty-five in the city of Indianapolis, heretofore designated as the "University Square."

SEC. 2. It shall be the duty of the Auditor and Treasurer of State to cause the lands hereinbefore designated to be appraised by competent appraisers, as in loaning trust funds, and make sale thereof in the same manner, and on the same terms as lands forfeited to the State, are required to be advertised and sold: *Provided, however,* that sales of said lands shall not be made at less than the appraised value thereof.

SEC. 3. The Auditor and Treasurer of State shall audit and liquidate the claims due from the State University at the time of the taking effect of this act, and the whole residue of the funds aforesaid, and the funds accruing from the sources aforesaid, shall forever

be exclusively applied to the purposes of education, and shall constitute a part of the common school fund of the State.

SEC. 4. The general system of education known as the "common school system" is hereby declared to be the only "seminary of learning" which should receive the fostering care of the State, and which, as the financial condition of the State shall admit, should be so extended as not only to reach every child of the State, but to bring every department of useful learning within the reach of all.

SEC. 5. The Auditor and Treasurer of State shall manage, superintend and apply the fund designated in this act in the same manner as other funds applied to the general purposes of education.

Which was accepted by Mr. Williams as a substitute for his instructions.

The question then being put on recommitting with the instructions, The ayes and noes were demanded by Messrs. Holman and King.

Those who voted in the affirmative were,

Messrs. Barker, Beane, Beeson, Carpenter, Chowning, Crawford, Cromwell, Davis of Franklin, Douthit, Eccles, Foster, Graham, Hart, Henry, Holman, Howell, Huey, McAllister, McDowell, Porter, Ray, Reynolds, Smith of Spencer, Sumner, Sweet, Walker, Williams, Wilson, and Withers—29.

Those who voted in the negative were,

Messrs. Behm, Bryant, Bulla, Buskirk, Cockrum, Cowgill, Dice, Dobson, Doughty, Geddes, Gibson, Gookins, Goudy, Hanna, Hay of Clark, Hays of White, Helmer, Huffstetter, Humphreys, Hunt, King, Laverty, Lawrence, Leviston, Lindsay of Howard, Major, Manson, McConnell, McDonald, Mudgett, Nelson, Price, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Staton, Stevens, Stover, Taggart, Torbet, Watson, Wells, and Mr. Speaker—45.

So the bill was not recommitting with the instructions.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Behm, Bryant, Buskirk, Dice, Dobson, Doughty, Douthit, Eccles, Gibson, Gookins, Goudy, Hanna, Hay of Clark, Helmer, Howell, Hudson, Huffstetter, Humphreys, Hunt, King, Laverty, Leviston, Lindsay of Howard, Manson, McDonald, Nelson, Price, Sale, Schoonover, Scudder, Smith of Marion, Smith of Spencer, Stevens, Stover, Sweet, Taggart, Watson, Wells, and Mr. Speaker—39.

Those who voted in the negative were,

Messrs. Barker, Beane, Beeson, Bulla, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Davis of Franklin, Foster, Graham, Hart, Hays of White, Henry, Holman, Huey, Lawrence, Major, McAllister, McDowell, Porter, Ray, Reynolds, Shanklin, Staton, Sumner, Torbet, Walker, Williams, Wilson, and Withers—33.

So the bill did not pass.

By unanimous consent of the House,
Mr. Stuart obtained leave and introduced
No. 306. A bill to empower the circuit judges to fix the times of holding circuit courts in their respective circuits;
Which was read the first time and passed to a second reading.

Mr. Holman gave notice of a motion for leave to introduce a bill relative to diverting the University fund into the common school fund.

On motion by Mr. Buskirk,
Senate bill No. 164, a bill to provide for the government and support of the Institution for the education of the Deaf and Dumb,
Was taken from the table.

Mr. Buskirk moved to amend the bill as follows:

Add to the end of the first section the following: "Nor shall any trustee be allowed to furnish materials for building purposes, nor shall they be either directly or indirectly interested in the purchase of any articles of merchandise, or other supplies for the use of such institution."

Which was agreed to.

The bill was then ordered to a third reading, and the amendments ordered to be engrossed.

ORDERS OF THE DAY.

House bill No. 301, a bill regulating appeals from the awards of arbitrators to assess damages in certain cases;

Was read a second time, and considered as in committee of the whole, and reported to the House without amendment.

The bill was then ordered to be engrossed.

House joint resolution No. 32, a joint resolution in relation to the extension of the time for the payment of claims due from certain citizens of this State to the bond holders;

Was read a second time and ordered to be engrossed.

On motion by Mr. Gookins,

The vote on ordering House bill No. 301 to be engrossed,
Was reconsidered.

On motion,

The said bill was then laid on the table.

House bill No. 297, a bill relative to city charters;

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beeson, Buskirk, Chowning, Crawford, Davis of Franklin, Dobson, Doughty, Eccles, Graham, Hanna, Henry, Howell, Huey, Huffstetter, Humphreys, King, Leviston, Major, Manson, McDowell, Miller, Ray, Shanklin, Smith of Marion, Stuart, Taggart, Withers, and Mr. Speaker—30.

Those who voted in the negative were,

Messrs. Beane, Behm, Bryant, Bulla, Cockrum, Cowgill, Cromwell, Dice, Donaldson, Douthit, Foster, Geddes, Gookins, Goudy, Helmer, Holman, Hunt, Lavery, Lawrence, Lindsay of Howard, McConnell, Nelson, Porter, Price, Reynolds, Sale, Scudder, Smith of Spencer, Staton, Stevens, Stover, Sumner, Sweet, Torbet, Walker, Watson, Wells, and Williams—38.

So the bill did not pass.

House bill No. 9, a bill to authorize county auditors and recorders to re-copy maps and plats, when the original copies are worn or defaced;

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Bryant, Bulla, Carpenter, Chowning, Cowgill, Crawford, Cromwell, Dice, Dobson, Doughty, Douthit, Eccles, Foster, Gookins, Goudy, Graham, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Holman, Howell, Hudson, Huey, Huffstetter, Humphreys, Hunt, King, Lavery, Lawrence, Leviston, Lindsay of Howard, Major, Manson, McConnell, McDowell, Miller, Mudget, Nelson, Porter, Price, Ray, Reynolds, Sale, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stevens, Stover, Stuart, Sumner, Sweet, Taggart, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—69.

Those who voted in the negative were,

Messrs. Cockrum and Donaldson—2.

So the bill passed.

On motion by Mr. Miller,

The title of the bill was amended by adding, in the proper place, "shall have become worn, &c."

So the bill passed.

Ordered that the Clerk inform the Senate of the passage of the bill.

On motion by Mr. Gookins,

House bill No. 301, a bill regulating appeals from the awards of arbitrators, was taken from the table.

On motion by Mr. Gookins,

The bill was amended by striking out section 2d.

The bill was then ordered to be engrossed.

House bill No. 305, a bill to extend the terms of the probate court of Daviess county;

Was read a second time and considered as in committee of the whole, and reported to the House without amendment.

The bill was then ordered to be engrossed.

House bill No. 304, a bill respecting receivers;

Was read a second time and considered as in committee of the whole, and reported to the House without amendment.

On motion by Mr. Holman,

The bill was laid on the table.

House bill No. 267, bill to provide for the opening, vacating and change of highways, was taken up.

The question pending being on the adoption of Mr. Lawrence's amendment,

And being put,

It was agreed to.

Mr. Nelson submitted the following amendments to the bill:

Amend by adding at the end of the 1st line of the 4th section "and they cannot agree;" strike out "a third" in the second line of the same section and insert "an additional commissioner."

Strike out the word "forthwith" in the 8th line of section 7, and insert "without the owner's consent" after the word "standing" in the 7th line.

Add to section 27 the following: "and such trustees being satisfied of the sufficiency of such petition and notice, shall proceed to run such proposed highway or change, and if they determine said

change or highway to be of public utility, they shall order the proper supervisor or supervisors to work the same.

Strike out "over" in the 1st line of section 34, and insert "less than 25."

Strike out section 35.

Strike out section 39 and insert the following section:

SEC. —. No county road shall be less than thirty feet wide, and no township road shall be less than 25 feet wide, and the order for laying out of any highway shall specify the width thereof.

Strike out the words "or worked or" and insert "and," where they occur in the 2d and 4th lines of section 43, and add at the end of said section the following proviso:

Provided, however, That the trustees shall decide that public necessity does not require such road kept open, which decision shall be recorded by the clerk, whereupon said vacated highway shall vest in the rightful owner, who may have the title thereof according to law of the property on each side of said highway.

The question being put on the adoption of the first, second and third amendments,

They were agreed to.

Mr. Taggart moved to amend the 4th amendment as follows:

Add to section 16th the following:

Provided, That where the road is laid out upon the line dividing the land of two individuals, each shall give half the road.

Which was accepted.

The 4th amendment was then agreed to.

The 5th amendment was disagreed to.

The 6th amendment was agreed to.

The 7th amendment to section 35 was disagreed to.

The question being on the adoption of the 8th amendment to section 38,

Mr. Walker moved to amend section 38 as follows:

"Highways extending into more than one county shall be any width that may be desired by the petitioners, and seems just and right to the commissioners."

Which was disagreed to.

Mr. Huffstetter moved to amend the amendment by adding "not less than 35 feet.

Which was accepted.

The 8th amendment was then agreed to.

The 9th and 10th amendments were agreed to.

Mr. Huffstetter submitted the following amendment:

SEC. —. Any person may have a private road laid out, changed or vacated, upon presenting a petition to the trustees of the township in which such petitioner may reside, under regulations hereinbefore provided for roads running through one township only. If such private road shall extend into more than one township, such petition shall be presented to the county board under the same regulations as

is provided in case of highways running into more than one township: *Provided*, that such board or trustees may order such private road to be laid out, changed or vacated, without any view, if there be no remonstrance against such petition, and such petitioner shall open and keep in repair such road at his own expense: *And, provided further*, that such road may be either dirt, plank, McAdamized, gravel or railroad.

Which was agreed to.

Mr. Hays of White submitted the following amendment to section 35:

SEC. 35. Amend as follows:

Any person may have swinging gates on his own land, upon any county or township or private road, that is now located, or may be hereafter located, excepting mail routes only, by petitioning the county commissioners or township trustees, with twenty-four freeholders of the township. Any person hanging gates under the provisions of this act shall keep the same in good repair, convenient to be opened by persons on horseback. Any person leaving any such gate open, for every such offence shall be liable to a fine of one dollar, to be recovered before a justice of the peace.

Which was disagreed to.

Mr. Hays of White moved to amend the bill by striking out the 46th section.

Which was disagreed to.

Mr. Huffstetter moved to amend the 47th section of the bill by striking out \$1 50 and insert \$1 00 as the compensation for supervisor.

Which was agreed to.

Mr. Dobson moved to amend the 35th section of the bill:

Provided, A majority of the voters of any township decide in favor of such swinging gate.

The question being put,

The ayes and noes were demanded by Messrs. Beane and Cowgill.

Those who voted in the affirmative were,

Messrs. Beane, Beeson, Chowning, Cowgill, Crawford, Cromwell, Davis of Franklin, Dobson, Doughty, Goudy, Hart, Henry, Hudson, Huey, Humphreys, McConnell, McDonald, McDowell, Mudgett, Nelson, Sweet, Walker, and Withers—23.

Those who voted in the negative were,

Messrs. Barker, Beach, Behm, Brady, Bryant, Bulla, Carpenter, Cockrum, Dice, Donaldson, Douthit, Eccles, Foster, Geddes, Gibson, Graham, Hanna, Hay of Clark, Hays of White, Helmer, Howell, Huffstetter, Hunt, Lavery, Lawrence, Leviston, Lindsay of Howard,

Major, Manson, Miller, Porter, Price, Ray, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Stuart, Suit, Sumner, Taggart, Watson, Wells, Williams, Wilson, and Mr. Speaker—53.

So the amendment was disagreed to.

On motion by Mr. Taggart,

The 38th section of the bill was amended by striking out 40 and inserting 30 feet.

On motion by Mr. Miller,

The 6th section of the bill was amended by striking out the word "bearing" in the third line and inserting the word "distance."

Mr. Miller moved to amend the 6th section of the bill as follows:

Strike out "or vacated or the change to be made" and insert in lieu thereof "vacated or changed."

Which was agreed to.

Mr. Miller moved to amend the 25th section of the bill as follows:

Strike out of the 4th line, the words "or vacated, or change to be made," and insert in lieu thereof the words "vacated or changed."

Which was agreed to.

On motion by Mr. Beeson,

The bill was amended as follows:

Amend section 42, line 3d by striking out the word "an" and insert "any."

Mr. Miller moved to amend the bill as follows:

Strike out the words "course" and "distance" in 1st section.

Which was disagreed to.

The bill was then ordered to be engrossed.

House bill No. 285, a bill providing for the election or appointment of supervisors of highways and prescribing certain of their duties and those of county and township officers in relation thereto.

The question pending, being on the adoption of Mr. Miller's amendment to section 31,

Mr. Nelson offered the following amendment as a substitute for Mr. Miller's amendment:

Substitute for section 31 the following—

The board of trustees may levy an additional tax for road purposes in said township, not to exceed one and three-fourths cents on each and every acre of land lying and being within the limits of said township subject to taxation, if a majority of the legal voters of said township, then voting, shall vote at the April election in favor of said tax: *Provided, however,* That persons so assessed may work out the amount of said tax at the rate of seventy-five cents per day, under the direction of the supervisor in the district in which it lies.

Which was accepted by Mr. Miller.

Mr. Hays of White moved to amend the 31st section as follows:

Strike out "three-quarters of a cent" and insert "one cent."

Which was disagreed to.

Mr. Hay of Clark moved to amend the 31st section so as to make it one cent on each \$100.

Which was disagreed to.

Mr. Carpenter moved to amend the 31st section as follows:

By dividing the lands into three classes. Fix the taxes on class No. 1 at two cents per acre; No. 2, one cent; No. 3, one-half cent.

Which was disagreed to.

The question recurred on Mr. Miller's amendment;

And the question being put on its adoption,

The ayes and noes were demanded by Messrs. Mudget and Miller.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Bryant, Cowgill, Crawford, Dice, Dobson, Donaldson, Douthit, Eccles, Foster, Gookins, Geddes, Goudy, Hanna, Hays of White, Henry, Howell, Huey, King, Lawrence, Lindsay of Howard, Manson, McAllister, McDowell, Miller, Mudget, Nelson, Porter, Reynolds, Scudder, Shanklin, Smith of Marion, Staton, Stuart, Suit, Sumner, Sweet, Taggart, Walker, Watson, Williams, Wilson, Withers, and Mr. Speaker—47.

Those who voted in the negative were,

Messrs. Behm, Brady, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cromwell, Davis of Franklin, Doughty, Gibson, Graham, Hart, Hay of Clark, Holman, Humphreys, Hunt, Laverty, Leviston, Major, McDonald, Price, Ray, Sale, Schoonover, Smith of Spencer, Stevens, Stover, and Wells—29.

So the amendment was agreed to.

Mr. Taggart submitted the following amendments:

In section 19, second line, strike out "25," and insert "15."

Section 19—Strike out "1st day of August," and insert "1st Monday of October."

Section 19—Add the following:

Provided, however, That any person who is a resident may work out his road tax in the district where the land is situated, at seventy-five cents per day, provided said tax amounts to thirty-seven and a half cents and upwards, taking the supervisor's receipt therefor, which he shall file with the township treasurer, taking his receipt for the same.

The amendments were considered separately.

The first amendment was disagreed to.

Mr. Nelson moved to amend the second and third amendments by substituting the following in lieu thereof:

SEC. —. The township trustees shall assess, annually, a road tax of not less than five, nor more than twenty-five cents on the hundred

dollars, to be levied according to the amount of real and personal property owned in said township, subject to taxation, to be collected as provided in the bill defining the duties of township trustees: *Provided, however,* That the tax so assessed may be worked out under the direction of the supervisor of the district in which the real estate lies, or the owner of the personal property resides, at the rate of seventy-five cents per day.

Which was agreed to.

The second and third amendments as amended were agreed to.

Mr. Miller submitted the following amendment:

Strike out section first, and insert the following:

SEC. 1. That the qualified voters of each road district shall, at the annual township elections held on the first Monday in April in each year, elect a supervisor for their own proper district only, who shall hold his office for one year thereafter.

Which was disagreed to.

Mr. Shanklin moved to amend by adding the following section:

"After any road tax shall be assessed and collected the supervisor may call out the hands to keep the roads in a passable condition, but not more than four days in any one year."

Which was disagreed to.

Mr. King submitted the following amendment to the bill:

"None of the provisions of this act relative to taxation for road purposes shall apply to cities or incorporated towns, nor shall the inhabitants thereof be liable to any road tax or road labor, except as provided in their charters or by the general law organizing cities and towns."

Mr. Lindsay of Howard moved to amend the amendment so as to strike out "or road labor."

Which was disagreed to.

The question then recurred on Mr. King's amendment,

And being put,

The ayes and noes were demanded by Messrs. King and Hudson.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Behm, Brady, Buskirk, Carpenter, Cowgill, Cromwell, Doughty, Gookins, Graham, Hudson, King, Laverty, Mudget, Nelson, Smith of Marion, Stevens, Stuart, Suit, Sumner, and Sweet—23.

Those who voted in the negative were,

Messrs. Beeson, Bryant, Bulla, Chowning, Cockrum, Crawford, Dice, Dobson, Donaldson, Douthit, Eccles, Foster, Geddes, Gibson, Goudy, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Holman, Howell, Huey, Huffstetter, Humphreys, Hunt, Lawrence,

Leviston, Major, Manson, McAllister, McConnell, McDonald, McDowell, Miller, Porter, Price, Ray, Reynolds, Sale, Shanklin, Smith of Spencer, Stanfield, Staton, Stover, Taggart, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—54.

So the amendment was disagreed to.

Mr. Hay of Clark moved to amend the bill as follows: Add

Sec. —. Each city and incorporated town shall constitute a road district.

Mr. Humphreys called the previous question;

Which was seconded by the House, and the main question ordered.

The question being first put on the adoption of Mr. Hay of Clark's amendment,

The ayes and noes were demanded by Messrs. King and Hay of Clark.

Those who voted in the affirmative were,

Messrs. Barker, Behm, Brady, Carpenter, Cowgill, Cromwell, Doughty, Gookins, Graham, Hay of Clark, Hudson, King, Laverty, Manson, McDowell, Miller, Mudget, Nelson, Sale, Scudder, Smith of Marion, Stanfield, Stevens, Stover, Stuart, Suit, Sumner, and Sweet—28.

Those who voted in the negative were,

Messrs. Beach, Beane, Beeson, Bryant, Bulla, Chowning, Cockrum, Dice, Dobson, Donaldson, Douthit, Eccles, Foster, Gibson, Goudy, Hanna, Hart, Hays of White, Helmer, Henry, Huey, Howell, Huffstetter, Humphreys, Hunt, Lawrence, Leviston, Lindsay of Howard, Major, McAllister, McConnell, McDonald, Porter, Price, Ray, Reynolds, Schoonover, Shanklin, Smith of Spencer, Staton, Taggart, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—48.

So the amendment was disagreed to.

The question then recurred on the engrossment of the bill;

And being put,

It was so ordered.

By unanimous consent of the House,

Mr. Stover obtained leave and offered the following resolution:

Resolved, That all committees are hereby required to report to this House, by Wednesday morning next, all bills or other matter, which is in their hands heretofore referred.

Which was agreed to.

On motion by Mr. Gibson,
Senate bill No. 159, a bill touching gaming contracts ;
Was taken from the table.

On motion by Mr. Holman,
By the unanimous consent of the House,
The 4th section of the bill was amended as follows:
Strike out the words "lawful for the wife of such loser in her own name or any other person," and insert "the duty of the prosecuting or district attorney on information filed with him."

After the words "the same," in the 10th line insert "in the name of the State."

Strike out "family or next of kin," in the 12th line and insert "wife or minor children, or either of them, if living, in the order herein named."

Strike out "family or kindred," in the 14th line and insert "wife or minor children."

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Dice, Dobson, Donaldson, Doughty, Douthit, Eccles, Foster, Gibson, Gookins, Goudy, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Holman, Howell, Hudson, Huey, Huffstetter, Hunt, King, Laverly, Lawrence, Leviston, Lindsay of Howard, Major, Manson, McAllister, McConnell, McDowell, Miller, Mudget, Nelson, Porter, Price, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Suit, Sumner, Sweet, Taggart, Walker, Watson, Wells, Williams, Wilson, and Withers—71.

Those who voted in the negative were,

Messrs. Barker, Graham, Humphreys, Ray, Stuart, and Mr. Speaker—6.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

Mr. Buskirk called up Senate bill No. 151, a bill providing for the government of the State University &c., which was lost on its passage this morning.

On motion by Mr. Buskirk,

The bill was referred to a select committee of five, with the following instructions:

151 H

Amendment to Senate bill No. 151:

Recommit with the following instructions, namely:

Strike out of the 6th and 7th lines of the 2d section these words "have perpetual succession;" and after the word "board" in first line on the 4th page insert the following: "which appointment shall continue until the next meeting of the General Assembly, at which time the General Assembly shall fill all such vacancies."

And Messrs. Buskirk, Sumner, Lawrence, Reynolds and Shanklin were appointed said committee.

Mr. Holman, by unanimous consent of the House, obtained leave and made a report from the committee of Free Conference heretofore appointed on the disagreement between the two Houses on Senate bill No. 169.

On motion,

The report was laid on the table.

Senate bill No. 165, a bill supplemental to an act to provide for the incorporation of railroad companies;

Was read a second time, and considered as in committee of the whole, and reported to the House without amendment.

On motion by Mr. Beach,

The bill was laid on the table.

By unanimous consent of the House,

Mr. Beach obtained leave and presented a remonstrance from the citizens of Lawrenceburgh against the passage of said bill.

On motion by Mr. Holman,

The bill was taken from the table and the bill and remonstrance were referred to a select committee of three.

Messrs. Holman, Hart and Torbet were appointed said committee.

By unanimous consent of the House,

Mr. Gibson obtained leave and made the following report:

MR. SPEAKER:

The committee of Free Conference, to whom was referred House bill No. 260, with the pending amendments of the Senate, have had the same under consideration, and have directed me to report that they have unanimously agreed in recommending that the House concur in the 1st amendment of the Senate, with the following amendment: strike out all after the words "usual fee;" and that the House concur in the 3d amendment of the Senate.

Which was concurred in.

Ordered that the clerk inform the Senate thereof.

Senate bill, No. 187, a bill to change the time of holding the probate court of Dearborn county, &c.;

Was read a second time and considered as in committee of the Whole, and reported to the House without amendment.

On motion by Mr. Holman,

The bill was laid on the table.

Senate bill No. 180, general provisions in relation to railroad companies;

Was read a second time, and considered as in committee of the Whole, and reported back to the House, without amendment.

Mr. Holman moved to lay the bill on the table;

Which was disagreed to.

The bill was then ordered to a third reading.

By unanimous consent of the House,

Mr. Holman obtained leave and made the following report:

MR. SPEAKER:

The committee of free conference appointed to confer on the disagreement of the two Houses on House amendments to Senate bill No. 169, ask leave to report that a majority of the committee have had the subject under consideration, and are unable to agree, and ask to be discharged from the further consideration of the subject.

The report was concurred in.

On motion by Mr. Holman,

The House receded from its 12th, 14th, 31st, 32d and 35th engrossed amendments to said bill.

Mr. Huffstetter moved the House recede from the other amendments thereto.

Mr. Holman moved the House adjourn;

Which was disagreed to.

The amendments were considered separately.

The question being first put on receding from the first amendment of the House,

The ayes and noes were demanded by Messrs. Gibson and Huffstetter.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Brady, Bulla, Buskirk, Cowgill, Crawford, Cromwell, Dice, Donaldson, Douthit, Eccles, Gibson, Goudy, Hanna, Henry, Huey, Huffstetter, Lavery, Leviston, Lindsay of Howard, Manson, McAllister, Mille, Mudget, Nelson, Porter, Price, Reynolds, Schoonover, Scudder, Stevens, Stover, Sweet, Wells, and Williams—37.

Those who voted in the negative were,

Messrs. Barker, Bryant, Chowning, Cockrum, Davis of Franklin, Foster, Gookins, Graham, Hart, Hay of Clark, Hays of White, Helmer, Holman, Howell, Hudson, Humphreys, Hunt, Major, McConnell, Ray, Sale, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stuart, Sumner, Taggart, Walker, Watson, Wilson, Withers, and Mr. Speaker—33.

So the House receded from the first amendment.

The question being put on receding from the 2d amendment of the House,

Mr. Hay of Clark moved the House adjourn;

Which was disagreed to.

The question then recurred on receding from its second engrossed amendment;

And being put,

The ayes and noes were demanded by Messrs. Holman and Hart.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Brady, Bulla, Buskirk, Chowning, Crawford, Dice, Donaldson, Douthit, Eccles, Gibson, Goudy, Helmer, Henry, Holman, Huey, Huffstetter, Lavery, Lawrence, Leviston, Lindsay of Howard, Manson, McAllister, Miller, Mudgett, Nelson, Porter, Price, Reynolds, Schoonover, Staton, Stevens, Stover, Sweet, Wells, and Williams—38.

Those who voted in the negative were,

Messrs. Barker, Bryant, Cockrum, Cowgill, Dobson, Foster, Gookins, Graham, Hart, Hay of Clark, Hays of White, Howell, Hudson, Humphreys, Hunt, Major, McConnell, Ray, Sale, Scudder, Smith of Marion, Stanfield, Stuart, Taggart, Walker, Watson, Wilson, and Mr. Speaker—28.

No quorum voted.

On motion by Mr. Hudson,

The House adjourned.

2 o'clock, P. M.

The House met,

And resumed the consideration of the pending question, viz:

Shall the House recede from its second engrossed amendment to Senate bill No. 169?

Mr. Foster called the previous question;

Which was not seconded by the House.

The question then recurred on the House receding from its second engrossed amendment;

And being put,

The ayes and noes were demanded by Messrs. Holman and Hart.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Brady, Bulla, Buskirk, Chowning, Crawford, Dice, Donaldson, Douthit, Eccles, Gibson, Goudy, Helmer, Henry, Huey, Humphreys, Lavery, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Manson, McAllister, McDowell, Miller, Mudget, Nelson, Porter, Price, Reynolds, Stevens, Stover, Suit, Sweet, Wells, and Williams—38.

Those who voted in the negative were,

Messrs. Barker, Behm, Bryant, Carpenter, Cockrum, Cowgill, Cromwell, Davis of Franklin, Dobson, Doughty, Foster, Geddes, Gookins, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Hicks, Holman, Howell, Hudson, Hunt, King, Major, McConnell, Ray, Sale, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Staton, Struble, Stuart, Sumner, Taggart, Walker, Watson, Wilson, Withers, and Mr. Speaker—45.

So the House refused to recede from its second engrossed amendment.

The House refused to recede from its fifth and sixth engrossed amendments.

The House receded from its eighth engrossed amendment.

On motion by Mr. Donaldson,

The vote just taken was reconsidered;

When the House refused to recede from its eighth engrossed amendment.

The House refused to recede from its ninth and tenth engrossed amendments.

The House receded from its sixteenth and seventeenth engrossed amendments.

The House refused to recede from its nineteenth, twenty-seventh, and twenty-eighth engrossed amendments.

Ordered, that the Clerk inform the Senate thereof.

By unanimous consent of the House,

Mr. Bryant obtained leave and made the following report:

MR. SPEAKER:

The select committee to which was referred the subject of districting the State into judicial circuits, has had the same under consideration, and a majority of said committee has instructed me to report the accompanying bill, and to ask that they may be discharged from the further consideration thereof.

No. 307. A bill districting the State into judicial circuits.

Which was read a first time and passed to a second reading.

Senate bill No. 178, a bill to establish courts of conciliation; to prescribe rules and proceedings therein, and compensation for judges thereof;

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bulla, Carpenter, Chowning, Cockrum, Crawford, Davis of Franklin, Dice, Dobson, Donaldson, Doughty, Douthit, Eccles, Foster, Geddes, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Hicks, Holman, Howell, Huey, Huffstetter, Humphreys, Hunt, King, Laverty, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, McAllister, McConnell, McDowell, Miller, Mudget, Nelson, Porter, Price, Reynolds, Schoonover, Scudder, Smith of Marion, Smith of Spencer, Spencer, Stevens, Stover, Struble, Sumner, Sweet, Taggart, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—67.

Those who voted in the negative were,

Messrs. Bryant, Cowgill, Cromwell, Goudy, Henry, Ray, Sale, Shanklin, Staton, Stuart, Suit, and Walker—12.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

On motion by Mr. Gibson,

The following message from the Senate was taken up:

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House:

No. 102, a bill regulating the licensing of pilots at the Falls of the Ohio, requiring bond and security of such pilots, prohibiting any unlicensed person from acting as such pilot, and providing for the compensation of such pilots, and the revocation of their licenses;

With sundry engrossed amendments of the Senate thereto.

In which the concurrence of the House is respectfully requested.

The amendments were considered separately.

The 1st amendment of the Senate to said bill was concurred in.

The House refused to concur in the 2d and 3d engrossed amendments of the Senate.

The 4th and 5th engrossed amendments of the Senate were concurred in, with the following amendment:

Strike out "Governor and Auditor of State, &c.," and insert in lieu thereof "the board of county commissioners of the county of Clark."

Ordered that the Clerk inform the Senate thereof.

House bill No. 283, a bill regulating the fees of officers;

Was read a third time.

Mr. Williams moved to recommit the bill with the following instructions:

Filing paper.....	3
Letters of administration, recording and filing same.....	50
For qualifying administrator, taking bonds and writing certificate.....	50
Proving a will and endorsing certificate thereon.....	1 00
Strike out 30 cents for the first 100 words for recorder, and insert 40 cents.	

Mr. Mudget moved to amend the instructions as follows:

Provided, That no county auditor shall be entitled to receive in any one year, out of the State or county treasury, for his services as such auditor more than the following sums, to-wit;

In counties where the population does not exceed 6000 inhabitants, \$500;

In counties where the population is over 6000 and under 10,000, \$600;

In counties where the population is over 10,000 and under 15,000, \$700;

In counties where the population is over 16,000 inhabitants, \$800.

And the question being put,
The ayes and noes were demanded by Messrs. McConnell and Henry.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Brady, Carpenter, Cromwell, Davis of Franklin, Dobson, Donaldson, Eccles, Foster, Graham, Hart, Holman, Howell, Leviston, Lindsay of Howard, Major, Manson, McDowell, Mudget, Porter, Reynolds, Schoonover, Scudder, Stuart, Taggart, Williams, and Withers—28.

Those who voted in the negative were,

Messrs. Barker, Beeson, Bryant, Bulla, Buskirk, Chowning, Cockrum, Cowgill, Crawford, Dice, Donnohue, Doughty, Douthit, Geddes, Gibson, Gookins, Goudy, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Hudson, Huey, Huffstetter, Humphreys, Hunt, King, Lavery, Lawrence, Lindsey of Fayette, McAllister, McConnell, McDonald, Miller, Nelson, Price, Ray, Sale, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Staton, Stevens, Stover, Struble, Sumner, Sweet, Walker, Watson, Wells, and Wilson—56.

So the amendment was disagreed to.

The question then recurred on recommitting the bill with the instructions;

And being put,

The ayes and noes were demanded by Messrs. Henry and Mudget.

Those who voted in the affirmative were,

Messrs. Brady, Carpenter, Chowning, Cockrum, Dobson, Donaldson, Foster, Gibson, Graham, Gunn, Hanna, Hart, Hay of Clark, Howell, Huey, Hunt, Lawrence, Lindsay of Howard, Major, Manson, McDonald, McDowell, Miller, Nelson, Porter, Price, Reynolds, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stuart, Taggart, Walker, Watson, and Williams—36.

Those who voted in the negative were,

Messrs. Barker, Beach, Beane, Beeson, Behm, Bryant, Buskirk, Cowgill, Crawford, Davis of Franklin, Dice, Donnohue, Doughty, Douthit, Eccles, Geddes, Goudy, Henry, Hicks, Holman, Hudson, Huffstetter, Humphreys, King, Lavery, Lindsey of Fayette, Marrs, McAllister, McConnell, Ray, Sale, Schoonover, Spencer, Stanfield,

Staton, Stevens, Stover, Struble, Sweet, Wells, Wilson, Withers and Mr. Speaker—43.

So the bill was not recommitted.

Mr. Lindsay of Howard moved to lay the bill on the table.

Which was disagreed to.

The question then being shall the bill pass?

Officer \$

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Carpenter, Chowning, Crawford, Dice, Donaldson, Douthit, Eccles, Foster, Geddes, Goudy, Graham, Gunn, Hays of White, Helmer, Henry, Holman, Howell, Huey, Huffstetter, Humphreys, Laverty, Lawrence, Lindsay of Howard, Major, Manson, McAllister, McConnell, Nelson, Porter, Price, Ray, Reynolds, Sale, Schoonover, Smith of Spencer, Spencer, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Sumner, Walker, Wells, Wilson, and Mr. Speaker—52.

Those who voted in the negative were,

Messrs. Behm, Bryant, Bulla, Cockrum, Cowgill, Cromwell, Davis of Franklin, Dobson, Donnohue, Doughty, Gibson, Gookins, Hanna, Hart, Hay of Clark, Hicks, Hudson, Hunt, King, Leviston, Lindsey of Fayette, McDonald, McDowell, Miller, Mudget, Scudder, Shanklin, Smith of Marion, Sweet, Taggart, Torbet, Watson, Williams, and Withers—34.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has receded from its disagreement to the 8th, 9th, 10th, 19th and 28th engrossed amendments of the House to engrossed bill of the Senate No. 169, a bill to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases, in the courts of this State," &c., and insist upon its disagreement to the 2d, 5th, 6th and 27th engrossed amendments of the House thereto.

In which the concurrence of the House is respectfully requested.

Mr. King moved the House appoint a committee of free conference on the disagreement between the two Houses to Senate bill No. 169.

And the question being put,

The ayes and noes were demanded by Messrs. King and Gibson.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Behm, Brady, Bryant, Bulla, Carpenter, Cockrum, Cowgill, Cromwell, Davis of Franklin, Dobson, Donnohue, Doughty, Eccles, Foster, Geddes, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Hicks, Holman, Howell, Hudson, Humphreys, Hunt, King, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, McAllister, Price, Ray, Sale, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Staton, Struble, Stuart, Sumner, Taggart, Torbet, Walker, Watson, Wells, Williams, Wilson, and Mr. Speaker—60.

Those who voted in the negative were,

Messrs. Beeson, Buskirk, Chowning, Crawford, Donaldson, Douthit, Gibson, Henry, Huey, Huffstetter, Lavery, Manson, McDonald, McDowell, Miller, Mudgett, Nelson, Porter, Reynolds, Schoonover, Stevens, Stover, and Sweet—23.

So the motion prevailed.

Messrs. King and Stuart were appointed said committee.

Ordered, that the clerk inform the Senate thereof.

House bill No. 298, a bill for revenue purposes, and to establish a sinking fund, with commissioners of the same, for the redemption of the bonds of the State therein named, and the liquidation of the public debt;

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Gibson, Gookins, Howell, Lawrence, Major, McDowell, Nelson, Sale, Schoonover, Scudder, Stover, Struble, Sumner, Sweet, Taggart, and Wells—18.

Those who voted in the negative were,

Messrs. Beeson, Brady, Bryant, Buskirk, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Davis of Franklin, Dice, Dobson, Donaldson, Donham, Donnohue, Doughty, Douthit, Eccles, Geddes, Graham, Gunn, Hanna, Hart, Hay of Clark, Helmer, Henry, Hicks, Holman, Hudson, Huey, Huffstetter, Humphreys, Hunt, King, Lavery, Leviston, Lindsey of Fayette, Lindsay of Howard, Manson, McAllister, Miller, Ray, Reynolds, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Staton, Torbet, Walker, Watson, Williams, Wilson, Withers, and Mr. Speaker—57.

So the bill did not pass.

No. 300. A bill relative to the salaries of public officers, and providing the manner of paying the same;

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Chowning, Crawford, Dice, Dobson, Donaldson, Douthit, Eccles, Hanna, Hart, Helmer, Henry, Hicks, Holman, Howell, Huey, Huffstetter, Humphreys, Leviston, Lindsey of Fayette, Major, Manson, McAllister, McDonald, McDowell, Miller, Mudget, Nelson, Porter, Price, Ray, Reynolds, Sale, Schoonover, Scudder, Smith of Spencer, Spencer, Stanfield, Staton, Stover, Struble, Sumner, Taggart, Torbet, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—54.

Those who voted in the negative were,

Messrs. Behm, Bryant, Buskirk, Carpenter, Cockrum, Cowgill, Cromwell, Davis of Franklin, Donnohue, Doughty, Geddes, Gibson, Goudy, Graham, Gunn, Hay of Clark, Hudson, Hunt, King, Laverty, Lawrence, Lindsay of Howard, Shanklin, Smith of Marion, Stevens, Sweet, and Walker—27.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

By unanimous consent of the House,

Mr. Buskirk obtained leave and made the following report:

MR. SPEAKER :

The committee on Ways and Means have instructed me to report the following bill making specific appropriations for the year 1852:

No. 308. A bill making specific appropriations for the year 1852.

Which was read a first time and passed to a second reading.

Mr. King moved the House adjourn.

Which was disagreed to.

Senate bill No. 185. A bill fixing the salaries of public officers and prescribing the manner of paying the same;

Was read a second time and considered as in committee of the whole and reported to the House without amendment.

On motion by Mr. Lindsay of Howard,

The bill was laid on the table.

Senate bill No. 186. A bill providing for the organization of county boards and prescribing some of their powers and duties.

Was read a second time, and considered as in committee of the whole and reported to the House without amendment.

On motion by Mr. Holman,
The bill was laid on the table.

By unanimous consent of the House,
Mr. Buskirk obtained leave and made the following report:

MR. SPEAKER:

The committee on Ways and Means have directed me to report the following bill making general appropriations for the year 1852; No. 309. A bill making general appropriations for the year 1852. Which was read a first time and passed to a second reading.

Mr. Smith of Marion, chairman of the committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The committee on Enrolled Bills have compared the following enrolled with the engrossed bills of the House of the corresponding numbers, and report them to the House correctly enrolled:

No. 14. An act for the subscription to and preservation of the public newspapers printed in the several counties of this State.

No. 261. An act touching the relation of guardian and ward.

No. 278. An act to extend the time of complying with the provisions of an act entitled "an act for the relief of the persons therein named," approved January 26, 1847.

No. 279. An act to require certain officers to execute further official bonds and take an additional oath of office.

Whereupon the Speaker signed the same.

Ordered that the Clerk inform the Senate thereof.

Mr. Smith of Marion chairman of the committee on Enrolled Bills made the following report:

MR. SPEAKER:

The committee on Enrolled Bills have compared the following enrolled with the engrossed bill of the House of the corresponding number, and report the same to the House correctly enrolled:

No. 199. An act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases.

Whereupon the Speaker signed the same.

Ordered that the Clerk inform the Senate thereof.

Mr. Lavery from the joint committee on Enrolled bills, made the following report:

MR. SPEAKER:

The joint committee on Enrolled bills have this day presented to the Governor, for his approval, Enrolled bills of the House numbered 195 and 203.

A message from the Senate, by Mr. Dunn, their secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House, without amendment:

No. 213. An act touching official bonds and oaths.

A message from the Governor, by Mr. King, his private secretary:

MR. SPEAKER:

I am directed by the Governor to inform the House that he has approved and signed the following bills, to-wit:

No. 203. An act regulating general elections, and prescribing the duties of officers in relation thereto.

No. 195. An act dividing the State into counties, and defining their boundaries, and defining the jurisdiction of such as border on the Ohio and Wabash rivers.

Which bills originated in the House of Representatives.

On motion by Mr. Stanfield,

Senate bill No. 143, a bill for the incorporation of insurance companies, defining their powers and prescribing their duties in relation to foreign insurance companies and their agents,

[Was taken up;]

On motion by Mr. Stanfield,

The bill was amended by striking out all in relation to foreign insurance companies.

The bill was then ordered to a third reading.

No. 303. A bill to regulate the formation of mutual fire insurance companies.

On motion by Mr. Holman,

The vote ordering the bill the bill to be engrossed was reconsidered.

The bill was then laid on the table.

On motion by Mr. Manson,
The House adjourned.

TUESDAY MORNING, 7½ o'clock, }
June 8, 1852. }

The House met.

The Clerk proceeded to read the journal;
When,

On motion by Mr. Donaldson,
The further reading thereof was dispensed with.

REPORTS FROM COMMITTEES.

Mr. Huffstetter, chairman of the committee on Roads, made the following report:

MR. SPEAKER:

The committee on Roads, to whom was referred bill No. 58, on the subject of highways and bridges, have directed me to report the same back and recommend that it be laid on the table.

Which was concurred in.

Mr. Huffstetter, chairman of the committee on Roads, made the following report:

MR. SPEAKER:

The committee on Roads, to whom was referred the petition of sundry citizens of Vincennes, asking that fire companies be exempt from working on highways, have had the same under consideration and directed me to report the same back, that a bill has been introduced in accordance with the prayer of the petitioners, and ask to be discharged from a further consideration thereof.

The committee were discharged.

Mr. Stanfield, from a select committee, made the following report:

MR. SPEAKER:

The select committee to which was referred bill No. 291, has had the same under consideration, and made the following amendments, to-wit: Strike out section four, and insert the following: and when so amended, recommend its passage:

SEC. 4. The patents required in the act, and in the act to which it is supplementary, shall be executed by the Governor, and issued and countersigned by the Secretary of State, and attested by the seal of said State upon the certificate of the Auditor of State, and shall also be recorded by said Secretary of State, in books to be kept in his office; and for the services rendered by them respectively in issuing said patents, the Auditor and Secretary of State shall each be entitled to the sum of fifty cents for each patent issued, payable out of the fund arising from the sale of said lands.

The amendment was concurred in, and the bill ordered to be engrossed.

On motion by Mr. Stanfield,

The bill was considered as engrossed and read a third time now.

On motion by Mr. McDonald,

The bill was laid on the table.

Mr. Holman, from a committee on Free Conference, made the following report:

MR. SPEAKER:

The committee of Free Conference, to which was referred the disagreement of the two Houses to amendments to Senate bill No. 119, have had the same under consideration, and have directed me to report that they recommend to the House to recede from the 2d, and that the Senate concur in the 3d, 5th and 11th amendments of the House.

Which was concurred in.

Ordered, that the clerk inform the Senate thereof.

Mr. Holman, in pursuance of previous notice, obtained leave and introduced

No. 310. A bill to increase the benefit of common schools, by applying the University funds, and the proceeds of the unsold lands in the reserved townships of Gibson and Monroe counties, and of square No. 25, in the city of Indianapolis, to the common school system;

Which was read a first time and passed to a second reading.

A message from the Senate by Mr. Dunn their Secretary:

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate refuse to concur in the engrossed amendment of the House to engrossed bill of the Senate No. 178, "an act to establish courts of conciliation, to prescribe rules and proceedings therein, and compensation of judges thereof."

In which the concurrence of the House is respectfully requested.

On motion by Mr. Gibson,
The House receded from its engrossed amendments.
Ordered that the clerk inform the Senate thereof.

A message from the Senate by Mr. Dunn their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate refuse to concur in the engrossed amendments of the House to engrossed bill of the Senate No. 146, "a bill to provide for the election and compensation of prosecuting attorneys and their deputies, and prescribing certain of their duties."

In which the concurrence of the House is respectfully requested.

On motion by Mr. Holman,
The House insisted on its engrossed amendments.

On motion by Mr. Gibson,
A committee of Free Conference was appointed.
Messrs, McConnell and Huffstetter were appointed said committee.

On motion,
By the unanimous consent of the House,
"May" was stricken out, and "June" inserted in section 22, in enrolled bill of the House No. 80, "a bill for the relief of the poor," &c.

A message from the Senate by Mr. Dunn, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following joint resolution thereof:
No. 189, a joint resolution inviting and welcoming Thos. Francis Meagher to the hospitalities of the citizens of Indiana.

In which the concurrence of the House is respectfully requested.

The joint resolution was read a first time and passed to a second reading.

A message from the Senate containing a bill providing for the opening, changing and vacating highways, &c., was laid on the table.

On motion by Mr. Holman,

The vote on yesterday, on the passage of House bill No. 297, a bill relative to city charters, was reconsidered.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beeson, Chowning, Crawford, Cromwell, Dobson, Doughty, Gibson, Hanna, Hart, Henry, Hicks, Holman, Howell, Huey, Huffstetter, Hunt, Lindsey of Fayette, Litchfield, Major, Manson, McAllister, McDonald, McDowell, Miller, Ray, Reynolds, Sale, Schoonover, Smith of Marion, Suit, Sumner, Torbet, Wilson, Withers, and Mr. Speaker—37.

Those who voted in the negative were,

Messrs. Beane, Behm, Bryant, Carpenter, Cockrum, Cowgill, Davis of Franklin, Dice, Donaldson, Donnohue, Douthit, Eccles, Foster, Geddes, Gookins, Goudy, Graham, Gunn, Helmer, Holladay, Hudson, Laverty, Lawrence, Leviston, Linsday of Howard, McConnell, Nelson, Porter, Price, Scudder, Shanklin, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Sweet, Taggart, Walker, Watson, Wells, Williams—43.

So the bill did not pass.

A message from the Senate, by Mr. Dunn, their Secretary :

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the engrossed amendment of the House to engrossed amendment of the Senate to engrossed bill of the House No. 137, "An act to provide for a uniform system of common schools and school libraries, and matters properly connected therewith," and that the Senate insists upon its 5th engrossed amendment thereto.

In which the concurrence of the House is respectfully requested.

Mr. Bryant moved the House insist on its disagreement to the 5th engrossed amendment of the Senate to House bill No. 137;

And the question being put,

The ayes and noes were demanded by Messrs. Gibson and Bryant.

Those who voted in the affirmative were,

Messrs. Beach, Brady, Bryant, Carpenter, Chowning, Cockrum, Cowgill, Dice, Donnohue, Geddes, Gookins, Goudy, Gunn, Helmer, Henry, Holladay, Holman, Howell, Hudson, Hunt, Lavery, Lawrence, Leviston, Lindsay of Howard, Major, Manson, Miller, Porter, Price, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Spencer, Staton, Stevens, Stover, Struble, Sweet, Taggart, Torbet, Walker, Watson, Wells, and Withers—46.

Those who voted in the negative were,

Messrs. Barker, Beane, Beeson, Behm, Crawford, Cromwell, Davis of Franklin, Doughty, Douthit, Eccles, Foster, Gibson, Graham, Hanna, Hart, Hay of Clark, Hicks, Huey, Huffstetter, Humphreys, King, Lindsey of Fayette, McAllister, McDonald, McDowell, Nelson, Ray, Smith of Marion, Stanfield, Suit, Williams, Wilson, and Mr. Speaker—33.

So the House insisted on its disagreement.

On motion by Mr. Bryant,

A committee of Free Conference was appointed.

Messrs. Bryant and Manson were appointed said committee.

Ordered, that the clerk inform the Senate thereof.

On motion by Mr. McDonald,

House bill No. 291, a bill to provide for the payment into the State Treasury of moneys received on deposit by the registers and receivers of the land offices of the United States in this State, for the entry of swamp lands, for the issue of certificates of purchase, &c.

Was taken from the table.

By unanimous consent of the House,

On motion by Mr. McDonald,

The bill was amended by striking out the 5th section; also, strike out treasurer and insert auditor in first line; "act," after "this," in the 4th line; and strike out all after "therefore," in the 3d section.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Behm, Bryant, Buskirk, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Davis of Franklin, Dice, Dobson, Donaldson, Donnohue, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Henry, Hicks, Holladay, Holman, Howell, Hud-

son, Huey, Huffstetter, Humphreys, Hunt, Lavery, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, McAllister, McConnell, McDonald, McDowell, Miller, Nelson, Porter, Price, Ray, Reynolds, Sale, Scudder, Shanklin, Smith of Marion, Stanfield, Stevens, Stover, Struble, Suit, Sumner, Taggart, Torbet, Walker, Watson, Wells, Williams, and Withers—73.

Those who voted in the negative were,

Messrs. Helmer, Staton, Wilson, and Mr. Speaker—4.

So the bill passed.

On motion by Mr. McDonald,

The title of the bill was amended by striking out the title and inserting in lieu thereof :

“A bill supplemental to an act entitled an act to regulate the sale of the swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof in accordance with the condition of said grant.”

Ordered that the clerk inform the Senate of the passage of the bill.

By unanimous consent of the House,

Mr. Gookins obtained leave and offered the following resolution :

Resolved, That when this House adjourns, it will adjourn to meet to-morrow morning at the usual hour.

Which was agreed to.

A message from the Senate, by Mr. Dunn, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House :

No. 170. A bill for the regulation of weights and measures.

With sundry amendments of the Senate thereto.

In which the concurrence of the House is respectfully requested.

On motion by Mr. Nelson,

The amendments of the Senate were concurred in.

Ordered that the clerk inform the Senate thereof.

A message from the Senate by Mr. Dunn their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bills of the House :

No. 48. An act to provide for the sale of county seminaries, and the property belonging thereto, and to transfer the proceeds thereof to the common school fund.

No. 95. A bill to provide for the enlargement of the Indiana Hospital for the Insane.

No. 286. An act to encourage more effectually the destruction of wolves.

With sundry engrossed amendments of the Senate thereto.

In which the concurrence of the House is respectfully requested.

The Senate amendments to House bill No. 48 contained in the foregoing message, were concurred in.

Ordered that the clerk inform the Senate thereof.

The amendments of the Senate to House bill No. 95, contained in the foregoing message, were concurred in.

Ordered that the Clerk inform the Senate thereof.

On motion by Mr. Taggart,

The amendments of the Senate to bill of the House No. 286, contained in the foregoing message were concurred in.

Ordered that the clerk inform the Senate thereof.

A message from the Senate by Mr. Dunn their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House:

No. 216. An act regarding inspectors of salt, beef, pork, flour, tobacco and hay;

With one engrossed amendment of the Senate thereto.

In which the concurrence of the House is respectfully requested.

The amendments of the Senate were concurred in.

Ordered that the Clerk inform the Senate thereof.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the 5th, 6th, and 7th engrossed amendments of the House to engrossed bill of the Senate No. 118, a bill defining misdemeanors and prescribing punishment therefor, and have refused to concur in the 1st, 2d, 3d, and 4th engrossed amendments of the House thereto.

In which the concurrence of the House is respectfully requested.

On motion by Mr. Holman,
The House insisted on its 1st, 2d, 3d, and 4th engrossed amendments.

On motion by Mr. Holman,
A committee of Free Conference was ordered.
Messrs. Holman and Suit were appointed said committee.
Ordered, that the Clerk inform the Senate thereof.
A message from the Senate by Mr. Dunn their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the 1st and 4th engrossed amendments of the House to engrossed bill of the Senate No. 174, "an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State," and have refused to concur in the 2d, 3d, 5th, 6th and 7th amendments of the House thereto.

In which the concurrence of the House is respectfully requested.

On motion by Mr. Holman,
The House insisted on its 2d, 3d, 5th, 6th, and 7th engrossed amendments to said bill.

Ordered that the clerk inform the Senate thereof.
A message from the Senate by Mr. Dunn, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill thereof :

No. 183, A bill to repeal an act entitled an act to incorporate the city of Indianapolis, approved January 26, 1847, and all acts supplementary thereto and amendatory thereof ;"

In which the concurrence of the House is respectfully requested.
The bill was read a first time and passed to a second reading.

ORDERS OF THE DAY.

House bill No. 302, a bill in relation to the assessment and taxation of the stock of canal companies ;

Was read a third time.

On motion by Mr. Manson,
A call of the House was ordered.
When the following members answered to their names :

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla,

Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Davis of Franklin, Dice, Dobson, Donaldson, Donnohue, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Howell, Hudson, Huey, Huffstetter, Humphreys, Hunt, King, Lavery, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Manson, McConnell, McDonald, McDowell, Miller, Nelson, Porter, Price, Ray, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Torbet, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—86.

On motion by Mr. Hay of Clark,

The further call of the House was dispensed with.

Mr. Donaldson moved to recommit bill No. 302, with instructions to strike out the Wabash and Erie Canal.

Mr. McDowell moved to amend the instructions by inserting the White Water Valley and Central Canals;

Which was disagreed to.

The question then recurred on recommitting the bill with the instructions;

And being put,

The ayes and noes were demanded by Messrs. Donaldson and Withers.

Those who voted in the affirmative were,

Messrs. Behm, Bryant, Bulla, Carpenter, Cockrum, Cowgill, Cromwell, Davis of Franklin, Dobson, Donaldson, Donnohue, Doughty, Geddes, Gookins, Goudy, Graham, Gunn, Hays of White, Helmer, Hicks, Holladay, Hudson, Hunt, Lavery, Lawrence, Leviston, Miller, Nelson, Price, Reynolds, Sale, Scudder, Staton, Stevens, Stover, Walker, Watson, Wells, and Williams—39.

Those who voted in the negative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Buskirk, Chowning, Crawford, Dice, Douthit, Eccles, Foster, Gibson, Hanna, Hart, Hay of Clark, Henry, Holman, Howell, Huey, Huffstetter, Humphreys, King, Lindsey of Fayette, Lindsay of Howard, Major, Manson, McConnell, McDonald, McDowell, Porter, Ray, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Struble, Suit, Sumner, Sweet, Taggart, Torbet, Wilson, Withers, and Mr. Speaker—45.

So the bill was not recommitted.

The question then recurred on the passage of the bill;

And being put,

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Buskirk, Chowning, Crawford, Dice, Douthit, Eccles, Foster, Gibson, Hanna, Hart, Hay of Clark, Henry, Holman, Howell, Huey, Huffstetter, Humphreys, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Manson, McConnell, McDonald, McDowell, Miller, Nelson, Porter, Ray, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Struble, Suit, Sumner, Sweet, Taggart, Torbet, Wilson, Withers, and Mr. Speaker—46.

Those who voted in the negative were,

Messrs. Behm, Brady, Bryant, Bulla, Carpenter, Cockrum, Cowgill, Cromwell, Davis of Franklin, Donaldson, Donnohue, Doughty, Geddes, Gookins, Goudy, Graham, Gunn, Hays of White, Helmer, Hicks, Holladay, Hudson, Hunt, King, Laverty, Lawrence, Price, Reynolds, Sale, Scudder, Stanfield, Staton, Stevens, Stover, Walker, Watson, Wells, and Williams—38.

So the bill did not pass.

House bill No. 301, a bill regulating appeals from the awards of arbitrators in certain cases;

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beane, Beeson, Brady, Bryant, Bulla, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Davis of Franklin, Dice, Dobson, Donaldson, Donnohue, Doughty, Douthit, Foster, Gibson, Gookins, Goudy, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Howell, Hudson, Huey, Huffstetter, Humphreys, Hunt, King, Laverty, Lawrence, Leviston, Lindsey of Fayette, Major, Nelson, Price, Ray, Reynolds, Sale, Schoonover, Scudder, Smith of Marion, Smith of Spencer, Stevens, Stover, Struble, Sumner, Sweet, Taggart, Torbet, Walker, Watson, Wells, Williams, Wilson, and Mr. Speaker—66.

Those who voted in the negative were,

Messrs. Behm, Lindsay of Howard, Manson, McDowell, Shanklin, Stanfield, and Suit—7.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

On motion by Mr. Gibson,
Senate bill No. 140, a bill providing for the election, prescribing
the duties, and fixing the compensation of State Agent;
Was taken up and ordered to a third reading.

By unanimous consent of the House,
Mr. Lindsay of Howard obtained leave and introduced the following resolution:

Resolved, That from this time to the close of the session, members shall not be permitted to take bills from the files.

Which was agreed to.

House bill No. 305, a bill to extend the terms of the probate court of Daviess county;

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Bryant, Bulla, Carpenter, Chowning, Cockrum, Cowgill, Cromwell, Davis of Franklin, Dice, Dobson, Donaldson, Donnohue, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Goudy, Graham, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Howell, Hudson, Huey, Huffstetter, Humphreys, Hunt, King, Lavery, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Manson, McConnell, McDonald, McDowell, Miller, Nelson, Porter, Price, Ray, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Staton, Stevens, Stover, Struble, Stuart, Sumner, Sweet, Taggart, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—80.

Those who voted in the negative were,

Messrs. Behm, Stanfield, and Suit—3.

So the bill passed.

Ordered, that the Clerk inform the Senate thereof.

By unanimous consent of the House,

Mr. Stuart obtained leave and made the following report:

MR. SPEAKER:

The committee on the organization of courts, to whom was referred House bill No. 123, "a bill in relation to circuit courts," report the same back, and recommend that it be laid on the table, as a bill

on the same subject has already passed both Houses. They ask to be discharged from the further consideration of the subject.

Which was concurred in.

Mr. Stover, from the select joint committee on Revision, made the following report:

MR. SPEAKER:

The select joint committee on Revision, to whom was referred House bill No. 37, "a bill relating to the organization of the supreme court," have directed me to report the same back, and recommend that it be laid on the table, inasmuch as an act has been passed on that subject.

Which was concurred in.

House bill No. 267, a bill to provide for the opening, vacating and change of highways;

Was read a third time.

By unanimous consent of the House,

On motion by Mr. Price,

The bill was amended by adding "or agent" after the words "owners or occupants" in the 6th line of section 1st.

By unanimous consent of the House,

On motion by Mr. Sumner,

The 40th section of the bill was amended by adding "or township" after the word "county."

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Bryant, Bulla, Chowning, Cockrum, Crawford, Dice, Dobson, Donnohue, Doughty, Douthit, Eccles, Foster, Geddes, Goudy, Graham, Hanna, Hart, Hay of Clark, Helmer, Henry, Hicks, Holman, Howell, Hudson, Huey, Huffstetter, Humphreys, Hunt, Lavery, Lawrence, Leviston, Lindsey of Fayette, Major, McAllister, McDonald, McDowell, Nelson, Porter, Price, Ray, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Suit, Summer, Sweet, Taggart, Walker, Watson, Williams, Wilson, Withers, and Mr. Speaker—67.

Those who voted in the negative were,

Messrs. Brady, Carpenter, Cowgill, Davis of Franklin, Donaldson, Gunn, Holladay, Lindsay of Howard, Spencer, and Wells—10.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

By unanimous consent of the House,

Mr. Smith of Marion obtained leave and presented the petition of William Robson and 500 citizens of Indianapolis praying the repeal or modification of the city charter.

On motion by Mr. Smith of Marion,

The petition was referred to a select committee of three.

Messrs. Smith of Marion, Gibson and Brady, were appointed said committee.

On motion by Mr. Stuart,

House bill No. 303. A bill to empower the judges of the circuit courts to fix the time of holding circuits courts in their respective counties,

Was read a second time and considered as in committee of the whole and reported to the House without amendment:

On motion by Mr. Stuart,

The bill was then referred to a select committee.

Messrs. Stuart, Gibson and Holman were appointed said committee.

House bill No. 285, a bill providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto,

Was read a third time.

Mr. McDonald moved to recommit the bill with the following instructions:

Amend section 31 so as to raise a tax not exceeding 50 cents on each \$100 valuation on the real estate therein.

On motion by Mr. Huffstetter,

The bill and instructions were laid on the table.

By unanimous consent of the House,

Mr. Gibson obtained leave and offered the following resolution:

[Resolution not furnished.—State Printer.]

Mr. Cowgill moved to take House bill No. 307 from the table.

Which was disagreed to.

Mr. King, by unanimous consent of the House, obtained leave and made the following report:

MR. SPEAKER:

The committee of free conference appointed by the House to confer with a similar committee from the Senate, relative to the disagreement of the two Houses as to certain sections of Senate bill No. 169, being the "Code of Pleadings and Practice in Civil Actions," report that the joint committee recommends the amendment of section 9 of said bill, by inserting after the word "together," the

following words: "and the action relates to her separate property." And after such amendment, the adoption of said section 9.

The committee further reports that the Senate has receded from its disagreement to House amendments to sections 73 and 74.

The committee recommends that the House recede from its amendment to section 435.

Which report was concurred in.

Ordered that the clerk inform the Senate thereof.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, 19th, 20th and 21st engrossed amendments of the House to engrossed bill of the Senate No. 142, a bill to organize the militia, providing for the appointment and prescribing the duties of certain officers thereof, and have concurred in the 1st and 2d amendments with engrossed amendments of the Senate thereto, and have refused to concur in the 22d, 23d and 24th engrossed amendments of the House thereto.

In which the concurrence of the House is respectfully requested.

On motion by Mr. Schoonover,

The House concurred in the engrossed amendments of the Senate to the 1st and 2d engrossed amendments of the House to the bill contained in the foregoing message, and receded from the 1st, 2d, 23d and 24th engrossed amendments of the House to said bill.

Ordered that the Clerk inform the Senate thereof.

House joint resolution No. 32, a joint resolution in relation to the extension of time for the payment of claims due from private citizens of this State to the bondholders;

Was read a third time.

Mr. Gibson moved to lay the joint resolution on the table;

And the question being put;

The ayes and noes were demanded by Messrs. Nelson and Sumner,

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Brady, Carpenter, Chowning, Davis of Franklin, Donnohue, Douthit, Eccles, Foster, Gibson, Hart, Helmer, Howell, Huffstetter, Lavery, Lindsey of Fayette, McAllister, McDonald, McDowell, Ray, Reynolds, Schoonover, Stover, Taggart, Torbet, Walker, Wilson, and Withers—29.

Those who voted in the negative were,

Messrs. Beane, Behm, Bryant, Bulla, Cockrum, Cowgill, Crawford, Cromwell, Dice, Donaldson, Doughty, Geddes, Gookins, Goudy, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Henry, Hicks, Holladay, Holman, Hudson, Huey, Hunt, King, Lawrence, Leviston, Lindsay of Howard, Major, Manson, Miller, Mudget, Nelson, Porter, Price, Sale, Scudder, Smith of Marion, Smith of Spencer, Staton, Stevens, Struble, Stuart, Suit, Sumner, Sweet, Watson, Wells, Williams, and Mr. Speaker—52.

So the joint resolution was not laid on the table.
The question then recurred on its passage;
And being put,

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Behm, Bryant, Bulla, Cockrum, Cowgill, Crawford, Cromwell, Davis of Franklin, Dice, Dobson, Donaldson, Donnohue, Doughty, Douthit, Eccles, Foster, Geddes, Gookins, Goudy, Graham, Gunn, Hanna, Hays of White, Henry, Holladay, Hudson, Huey, Humphreys, Hunt, King, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Manson, McConnell, McDonald, McDowell, Miller, Mudget, Nelson, Price, Sale, Shanklin, Stanfield, Staton, Stevens, Struble, Stuart, Sumner, Suit, Sweet, Walker, Watson, Wells, Williams, Wilson, and Mr. Speaker—61.

Those who voted in the negative were,

Messrs. Beeson, Brady, Carpenter, Chowning, Gibson, Hart, Hay of Clark, Hicks, Holman, Howell, Huffstetter, Lavery, McAllister, Ray, Reynolds, Scudder, Smith of Marion, Smith of Spencer, Taggart, Torbet, and Withers—21.

So the joint resolution passed.

Ordered that the Clerk inform the Senate thereof.

On motion by Mr. Hay of Clark,

The following message from the Senate was taken up:

A message from the Senate, by Mr. Dunn, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the engrossed bill of the House No. 173, entitled "a bill to provide for the valuation and assessment of the

real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties thereof, &c.

With sundry amendments thereto.

In which the concurrence of the House is respectfully requested.

Mr. Donaldson moved to lay the message and amendments on the table ;

Which was disagreed to.

The question then being put on concurring in the 1st amendment of the Senate,

The ayes and noes were demanded by Messrs. Beeson and Doughty.

Those who voted in the affirmative were,

Messrs. Beeson, Behm, Cockrum, Cowgill, Cromwell, Davis of Franklin, Donnohue, Doughty, Foster, Gibson, Gookins, Graham, Gunn, Hart, Hay of Clark, Howell, Hudson, King, Lawrence, Leviston, McDonald, Price, Ray, Spencer, Stanfield, Stevens, Struble, and Suit—28.

Those who voted in the negative were,

Messrs. Barker, Beach, Beane, Brady, Bryant, Bulla, Chowning, Crawford, Dice, Dobson, Donaldson, Donham, Douthit, Eccles, Geddes, Goudy, Hanna, Hays of White, Helmer, Henry, Hicks, Holaday, Huey, Huffstetter, Hunt, Laverty, Lindsey of Fayette, Lindsay of Howard, Major, Manson, McAllister, McConnell, McDowell, Miller, Mudgett, Nelson, Porter, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stover, Stuart, Sumner, Sweet, Taggart, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—58.

So the House refused to concur in the 1st amendment.

The question then being put on concurring in the 2d engrossed amendment of the Senate,

The ayes and noes were demanded by Messrs. Hudson and Beane.

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Behm, Bryant, Carpenter, Cockrum, Cowgill, Cromwell, Davis of Franklin, Dice, Donham, Donnohue, Doughty, Foster, Geddes, Gibson, Gookins, Gunn, Hart, Hay of Clark, Helmer, Holman, Hudson, Huey, Huffstetter, Hunt, King, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Manson, McAllister, Mudgett, Porter, Price, Ray, Sale, Scudder, Shanklin, Spencer, Stanfield, Stevens, Struble, Suit, Sumner, Taggart, Torbet and Mr. Speaker—49.

Those who voted in the negative were,

Messrs. Beach, Beane, Brady, Bulla, Chowning, Crawford, Dobson, Donaldson, Douthit, Eccles, Goudy, Graham, Hanna, Hays of White, Henry, Hicks, Holladay, Howell, Lavery, Major, McConnell, McDonald, McDowell, Miller, Nelson, Reynolds, Schoonover, Smith of Marion, Smith of Spencer, Staton, Stover, Stuart, Sweet, Walker, Watson, Wells, Williams, Wilson, and Withers—39.

So the 2d amendment was concurred in.

Mr. Holman moved to reconsider the vote just taken;

Which was disagreed to.

The 3d amendment was concurred in.

Ordered, that the Clerk inform the Senate thereof.

Mr. Reynolds moved to reconsider the vote by which the House concurred in the amendment of the Senate to the 13th section of House bill No. 48;

Which was agreed to.

Mr. Reynolds moved to concur in the Senate amendment, with the following amendment:

Amend section 13 as follows—

After "individuals," in the 2d line, insert "or for which he may be liable."

Also, in the 8th line of the same section, after the word "advanced," insert "or become liable for."

In the 8th line, strike out "have," and insert "has."

Which was agreed to.

The amendment was then concurred in, with the amendment.

Ordered, that the Clerk inform the Senate thereof.

On motion by Mr. Holman,

House bill No. 223, a bill concerning trusts and powers,

Was taken from the table.

By unanimous consent of the House,

On motion by Mr. Holman,

The bill was amended as follows:

Add to the 8th section—

Or where it shall be made to appear that by agreement, and without any fraudulent intent, the party to whom the conveyance was made, or in whom the title shall vest, was to hold the land or some interest therein in the trust for the party paying the purchase money or some part thereof.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Bryant, Bulla, Carpenter, Chowning, Cockrum, Cowgill, Cromwell, Davis of Franklin, Dice, Donaldson, Donham, Donnohue, Eccles, Foster, Geddes, Gibson, Gookins, Goudy, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Holladay, Holman, Howell, Hudson, Huey, Huffstetter, Hunt, King, Lavery, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Manson, McAllister, McDowell, Nelson, Price, Ray, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Walker, Watson, Wells, Williams, Wilson, Withers and Mr. Speaker—74.

Mr. Douthit voted in the negative.

So the bill passed.

Ordered, that the Clerk inform the Senate thereof.

On motion by Mr. King,

House bill No. 210, a bill regarding estrays and articles adrift,
Was taken from the table.

The question pending being on the adoption of Mr. King's amendment;

And being put,

It was agreed to.

Mr. Brady moved to amend the bill as follows:

Amend by adding to the end of section 16 the following proviso:

Provided, That if the animal taken up shall be capable of working, the taker up shall receive nothing for keeping the same after the first two weeks.

2d. Strike out all after section 17.

Which was agreed to.

The bill was then ordered to be engrossed.

On motion by Mr. Price,

House bill No. 289, a bill regulating ware houses, &c.,

Was taken from the table and placed upon the files of the House.

Mr. Graham had leave to change his vote on the vote concurring in the 2d amendment of the Senate to bill of the House No. 173, from the affirmative to the negative.

Mr. Foster had leave to change his vote from the affirmative to the negative on the passage of House bill No. 173, (June 2d,) from the affirmative to the negative.

A message from the Senate by Mr. Dunn their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate insists upon its disagreement to engrossed amendments of the House to engrossed bill of the Senate No. 118, a bill defining misdemeanors and prescribing punishment therefor, and have appointed Messrs. Hester and Logan a committee of free conference upon the part of the Senate, to act with a similar committee already appointed upon the part of the House.

Mr. Holman, from a committee on Free Conference, obtained leave and made the following report:

MR. SPEAKER:

The committee of Free Conference to whom was referred the disagreement of the two Houses to Senate bill No. 118, prescribing misdemeanors, and providing punishment therefor, have had the same under consideration, and have directed me to report that they recommend that the House recede from the 2d, 3d and 4th amendments, and they ask to be discharged from the further consideration thereof.

Which was concurred in.

Ordered that the clerk inform the Senate thereof.

By unanimous consent of the House,

Mr. Sale obtained leave and introduced

No. 33. A joint resolution on the subject of bridges over navigable rivers;

Which was read a first time and passed to a second reading.

On motion by Mr. Hudson,

House bill No. 307, a bill to divide the State into judicial circuits, Was taken up and read a second time, and considered as in committee of the whole, and reported to the House without amendment.

Mr. Foster moved to amend the bill by striking out from the enacting clause and inserting the following:

First district—Knox, Daviess, Martin, Gibson, Pike, Dubois, Posey, Vanderburgh, Warrick, Spencer, Perry.

Second district—Lawrence, Orange, Crawford, Harrison, Floyd, Washington, Clark, Scott.

Third district—Brown, Jackson, Bartholomew, Jennings, Jefferson, Switzerland, Ripley, Ohio.

Fourth district—Dearborn, Franklin, Decatur, Shelby, Rush, Fayette, Union.

Fifth district—Johnson, Marion, Hendricks, Hamilton, Madison, Tipton, Hancock.

Sixth district—Sullivan, Greene, Monroe, Owen, Clay, Vigo, Putnam, Morgan.

Seventh district—Wayne, Henry, Randolph, Delaware, Jay, Blackford, Grant.

Eighth district—Parke, Vermillion, Montgomery, Fountain, Warren, Tippecanoe, Boone, Clinton, Benton, Carroll.

Ninth district—Lake, Porter, Laporte, St. Joseph, Marshall, Starke, Fulton, Miami, Cass, Pulaski, White, Jasper, Wabash, Howard.

Tenth district—Adams, Wells, Huntington, Allen, Whitley, Noble, DeKalb, Lagrange, Steuben, Elkhart, Kosciusko.

Mr. Hudson moved to lay the amendment on the table.

And the question being put,

The ayes and noes were demanded by Messrs. Hudson and Withers.

Those who voted in the affirmative were,

Messrs. Barker, Beane, Bryant, Bulla, Carpenter, Cowgill, Cromwell, Davis of Franklin, Donaldson, Donham, Donnohue, Doughty, Douthit, Geddes, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Hays of White, Helmer, Hicks, Holladay, Howell, Hudson, Huey, Huffstetter, Hunt, King, Laverty, Lawrence, Lindsay of Howard, McConnell, Miller, Mudget, Ray, Schoonover, Scudder, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Stuart, Sweet, Walker, Watson, Wells, and Wilson—50.

Those who voted in the negative were,

Messrs. Beach, Beeson, Brady, Chowning, Crawford, Dice, Dobson, Eccles, Foster, Gibson, Hay of Clark, Henry, Holman, Leviston, Lindsey of Fayette, Major, Manson, McAllister, McDowell, Nelson, Porter, Price, Reynolds, Sale, Shanklin, Smith of Marion, Spencer, Struble, Suit, Taggart, Torbet, Williams, Withers, and Mr. Speaker—34.

So the amendment was laid on the table.

Mr. Huffstetter moved to amend the bill as follows:

Add Perry county to the 2d circuit.

Mr. Beeson moved to lay the bill and amendments on the table;
Pending which,

A message from the Senate by Mr. Dunn, their secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives

that the Senate has appointed Messrs. Slack and Berry a committee of Free Conference, to act with a similar committee already appointed upon the part of the House to take into consideration the disagreement of the two Houses upon engrossed amendments of the House to engrossed bill of the Senate No. 169, "a bill to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, &c."

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the engrossed amendments of the House to engrossed bill of the Senate No. 159, "an act touching gaming contracts."

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the report of the committee of Free Conference upon the disagreement between the two Houses upon House bill No. 260, "an act providing for the appointment of notaries public and defining their powers and duties."

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate insists upon its disagreement to the engrossed amendments of the House to engrossed bill of the Senate No. 146, "a bill to provide for the election and compensation of prosecuting attorneys and their deputies, and prescribing certain of their duties," and have appointed Messrs. Hester and Cravens a committee of Free Conference upon the part of the Senate, to act with a similar committee already appointed upon the part of the House.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representa-

tives that the Senate insists upon its disagreement to engrossed amendments of the House to engrossed bill of the Senate No. 174, "an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State," and have appointed Messrs. Dougherty and Niblack a committee of Free Conference on the part of the Senate to act with a similar committee already appointed upon the part of the House.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has receded from its disagreement to engrossed amendments of the House to engrossed bill of the Senate No. 146, "a bill providing for the election and compensation of prosecuting attorneys and their deputies, and prescribing certain of their duties."

Mr. Cowgill, from the committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The committee on Enrolled Bills have compared the following enrolled with the engrossed bill of the House of the corresponding number, and report the same to the House correctly enrolled:

No. 80. A bill for the relief of the poor.

Whereupon the Speaker signed the same.

On motion by Mr. Gibson,
The House adjourned.

WEDNESDAY MORNING, 7½ o'clock, }
 June 9, 1852. }

The House met.

The clerk proceeded to read the journal of yesterday.
 When,

On motion by Mr. Withers,
 The further reading thereof was dispensed with.

Mr. McDowell gave notice of his intention to enter his protest against the passage of

House bill No. 173, a bill to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, &c.

REPORTS FROM COMMITTEES.

Mr. Stuart, chairman of the committee on the Organization of Courts of Justice, made the following report:

MR. SPEAKER:

The committee on the Organization of Courts, to whom was referred House bill No. 141, entitled "a bill for the election of justices of the peace," &c., have had the same under consideration, and find that a bill on the same subject has already passed both Houses. They therefore respectfully recommend the bill to be laid on the table, and ask that the committee be discharged from the further consideration thereof.

Which was concurred in.

Mr. Stuart, from a select committee, made the following report:

MR. SPEAKER:

The select committee on Free Banks, return to the House sundry petitions and resolutions referred to them, and respectfully ask to be discharged from the further consideration thereof.

Which was concurred in, and the committee discharged.

ORDERS OF THE DAY.

Senate bill No. 164, a bill to provide for the government and support of the Institution for the education of the Deaf and Dumb;

Was read a third time.

On motion by Mr. Hay of Clark,

The bill was laid on the table.

On motion by Mr. McDonald,

House bill No. 289, a bill regulating ware houses, the keepers thereof, and for the protection of persons depositing produce, goods, wares, and merchandise therein;

Was taken from the table.

Mr. Cowgill moved to reconsider the vote striking out "county jail," and inserting "State prison."

Which was agreed to.

The bill was then ordered to be engrossed.

House bill No. 307, a bill to divide the State into judicial circuits,
Was taken up.

The question pending being on laying the bill and pending amendment on the table,

And being put,

The ayes and noes were demanded by Messrs. Beeson and Holman.

Those who voted in the affirmative were,

Messrs. Beeson, Brady, Dobson, Eccles, Foster, Gibson, Henry, Holman, Leviston, Lindsey of Fayette, Major, Manson, Mayfield, McAllister, McDonald, McDowell, Nelson, Shanklin, Smith of Marion, Struble, Suit, Torbet, Williams, and Withers—24.

Those who voted in the negative were,

Messrs. Barker, Beach, Beane, Bryant, Bulla, Carpenter, Chowning, Cockrum, Cowgill, Cromwell, Davis of Franklin, Dice, Donaldson, Donham, Donnohue, Doughty, Douthit, Geddes, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Hicks, Holladay, Howell, Hudson, Huey, Huffstetter, Hunt, King, Laverty, Lawrence, Lindsay of Howard, McConnell, Miller, Mudget, Price, Ray, Reynolds, Sale, Schoonover, Scudder, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Stuart, Sumner, Sweet, Taggart, Walker, Watson, Wells, Wilson, and Mr. Speaker—60.

So the bill and pending amendments were not laid on the table.

The question then recurred on Mr. Huffstetter's amendment to add Perry county to the 2d district;

And being put,

It was agreed to.

Mr. Dobson moved to amend the bill by adding Hendricks to the 5th district, and Monroe to the 4th.

Mr. Smith of Marion moved to amend the amendment by striking out Hendricks county.

Which was disagreed to.

The question then recurred on Mr. Dobson's amendment;

And being put,

The ayes and noes were demanded by Messrs. Dobson and Hudson.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Buskirk, Chowning, Crawford, Dice, Dobson, Donham, Eccles, Foster, Henry, Holman, Howell, Huffstetter, Lavery, Leviston, Lindsey of Fayette, Major, Manson, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Mudget, Nelson, Ray, Reynolds, Shanklin, Struble, Torbet, Walker, Wells, Williams, Withers and Mr. Speaker—40.

Those who voted in the negative were,

Messrs. Behm, Bryant, Bulla, Carpenter, Cockrum, Cowgill, Cromwell, Davis of Franklin, Donnohue, Doughty, Douthit, Geddes, Gibson, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Hicks, Holladay, Hudson, Huey, Hunt, Lawrence, Lindsay of Howard, Price, Sale, Scudder, Smith of Marion, Smith of Spencer, Stanfield, Stevens, Staton, Stuart, Suit, Taggart, Watson, and Wilson—41.

So the amendment was disagreed to.

Mr. Smith of Marion moved to amend the bill by attaching Shelby county to the first circuit.

Which was disagreed to.

Mr. King moved to amend the bill as follows:

Strike out Dearborn and Ripley from first section, and add Bartholomew and Johnson.

Mr. Brady moved to amend the amendment by striking out Johnson county.

Which was disagreed to.

The question then recurred on Mr. King's amendment;

And being put,

It was disagreed to.

Mr. Dobson moved to amend the bill by adding Hendricks county to the 5th district.

Mr. Gibson moved to lay the whole subject on the table;

And the question being put;

The ayes and noes were demanded by Messrs. Holman and Gibson.

Those who voted in the affirmative were,

Messrs. Beach, Beeson, Brady, Chowning, Crawford, Dobson, Eccles, Foster, Gibson, Hay of Clark, Henry, Holman, Huffstetter, King, Lavery, Leviston, Lindsey of Fayette, Major, Manson, Mayfield, McAllister, McDonald, McDowell, Nelson, Porter, Ray, Smith of Marion, Struble, Suit, Taggart, Torbet, Watson, Williams, and Withers—34.

Those who voted in the negative were,

Messrs. Barker, Beane, Behm, Bryant, Bulla, Buskirk, Carpenter, Cockrum, Cowgill, Cromwell, Davis of Franklin, Dice, Donaldson, Donham, Donnohue, Doughty, Douthit, Geddes, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Hays of White, Helmer, Hicks, Holladay, Howell, Hudson, Huey, Hunt, Lawrence, Linsday of Howard, McConnell, Mudgett, Nelson, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Spencer, Stanfield, Staton, Stevens, Stuart, Sumner, Sweet, Walker, Wells, Wilson, and Mr. Speaker—53.

So the whole subject was not laid on the table.

The question then recurred on the adoption of Mr. Dobson's amendment;

And being put,

It was disagreed to.

Mr. Davis of Franklin moved to amend the bill as follows:

Dearborn, Decatur, Franklin, Rush, Fayette, Union and Ripley shall constitute the ——— district.

Which was disagreed to.

Mr. Withers moved to amend the bill by adding Dearborn, Ripley, Franklin, Decatur, Fayette, Rush, Shelby, and Union to the 1st district.

On motion by Mr. Hay of Clark,

The amendment was laid on the table.

Mr. Dobson moved to amend the bill as follows:

Amend by adding Hendricks to the 5th and Morgan to the 4th district.

Which was disagreed to.

The bill was then ordered to be engrossed.

On motion by Mr. Huffstetter,

House bill No. 285, a bill providing for the election or appointment of supervisors of highways and prescribing certain of their duties and those of county and township officers in relation thereto;

Was taken from the table.

The question pending being on recommitting the bill with the instructions of Mr. McDonald,

Mr. Huffstetter moved to amend by striking out the instructions and inserting the following:

Amend section 33 by striking out all after the word "provided," in the 8th line: *Provided, however,* That the tax so assessed on real estate may be worked out in the road district in which such real estate lies, and the tax assessed on personal property in the district, where the owner thereof may reside, at the rate of seventy-five cents per day. The supervisor shall obtain a list of all road tax assessed on each individual, and his certificate for the amount worked out shall be taken by the treasurer of the county in payment of said tax.

Insert before the word "first" in the 4th line of sec. 28, "the Saturday before the."

Strike out section 19, and substitute in lieu thereof section 33.

Place section 22 after section 13.

Strike out from the proviso in section 22.

Mr. McDonald then withdrew his instructions;

After debate,

Mr. McDonald moved to amend the instructions of Mr. Huffstetter as follows:

Amend section 31st so as to raise a tax of not exceeding fifty cents on each 100 dollars valuation of the real estate therein.

And the question being put,

The ayes and noes were demanded by Messrs. McDonald and Price.

Those who voted in the affirmative were,

Messrs. Beach, Carpenter, Geddes, Holman, Hunt, Major, McDonald, Porter, Price, Smith of Spencer, Stanfield, Suit, Torbet, and Walker—14.

Those who voted in the negative were,

Messrs. Barker, Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Davis of Franklin, Dice, Dobson, Donaldson, Donham, Donnohue, Doughty, Douthit, Eccles, Foster, Gibson, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Howell, Hudson, Huey, Huffstetter, King, Lavery, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Manson, Mayfield, McAllister, McConnell, McDowell, Nelson, Ray, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Staton, Stevens, Stuart, Struble, Sumner, Sweet, Taggart, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—72.

So the amendment was disagreed to.

Mr. Cockrum moved to amend the instructions as follows:

Section 10, strike out "township treasury," and insert "supervisor of the road district."

Also, strike out section 25.

Which was agreed to.

Mr. Hanna moved to amend the instructions by striking out "seventy-five cents" wherever it occurs, and insert "\$1 00."

Which was disagreed to.

The bill was then committed, with the instructions.

Messrs. Huffstetter, Henry and Nelson, were appointed said committee.

Mr. Huffstetter obtained leave and made the following report:

MR. SPEAKER:

The committee to whom was referred House bill No. 285, have had the same under consideration, and have directed me to report the same back amended in accordance with the instructions, and recommend its passage.

By unanimous consent of the House,

On motion by Mr. Douthit,

The bill was amended as follows: Sixth section, 1st line, after the word "persons," insert "except idiots, insane, deaf and dumb, and blind."

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Bryant, Bulla, Buskirk, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Dice, Dobson, Donaldson, Donham, Donnohue, Doughty, Douthit, Foster, Geddes, Gibson, Gookins, Goudy, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Howell, Huey, Huffstetter, Humphreys, Hunt, Lavery, Lawrence, Lindsey of Fayette, McAllister, McConnell, McDowell, Miller, Nelson, Porter, Reynolds, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stevens, Struble, Suit, Sumner, Sweet, Taggart, Walker, Watson, Williams, Wilson, Withers, and Mr. Speaker—63.

Those who voted in the negative were,

Messrs. Barker, Behm, Brady, Carpenter, Davis of Franklin, Graham, Gunn, Holman, King, Linsday of Howard, Major, Mayfield, McDonald, Price, Ray, Sale, Schoonover, Stanfield, Stover, Stuart, Torbet, and Wells—22.

So the bill passed.

Ordered, that the Clerk inform the Senate thereof.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has receded from its 1st engrossed amendment to engrossed bill of the House No. 173, "a bill to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana," &c.

A message from the Senate by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the report of the committee of free conference, to whom was referred the disagreement of the two Houses upon engrossed amendments of the House to engrossed bill of the Senate No. 118, a bill defining misdemeanors and prescribing punishment therefor, and have receded from its disagreement to the first engrossed amendment of the House thereto.

In which the concurrence of the House is respectfully requested.

The House recedes from its 2d, 3d and 4th engrossed amendments.

Ordered that the clerk inform the Senate thereof.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House:

No. 284. An act to authorize the construction of levees and drains.

Without amendment.

A message from the Senate by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has receded from its disagreement to the 5th and 6th engrossed amendments of the House to engrossed bill of

the Senate No. 169, a bill to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases, in the courts of this State, &c., and have concurred in the 2d engrossed amendment thereto with an amendment.

In which the concurrence of the House is respectfully requested.

The House concurs in the amendment of the Senate to 2d engrossed amendment of the House.

Ordered that the clerk inform the Senate thereof.

A message from the Senate by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has receded from its disagreement to the 5th engrossed amendment of the Senate to engrossed bill of the House No. 137, an act to provide for a general and uniform system of common schools and school libraries, and matters properly connected therewith.

A message from the Senate by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has receded from its disagreement to the 3d, 5th and 11th engrossed amendments of the House to engrossed bill of the Senate,

No. 119. A bill defining felonies, and prescribing punishment therefor.

A message from the Senate by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate insist upon its disagreement to engrossed amendments of the House to engrossed bill of the Senate No. 153, a bill providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and have appointed Messrs. Berry and Eddy a committee of free conference to act with a similar committee already appointed upon the part of the House.

A message from the Senate by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the engrossed amendments of the House to engrossed bill of the Senate,

No. 164. A bill to provide for the government and support of the institution for the education of the deaf and dumb.

Leave was granted Mr. Stuart to change his vote from the affirmative to the negative on the motion of Mr. McDonald to amend the instructions of Mr. Huffstetter, on the motion to commit House bill No. 285.

Mr. Gibson obtained leave and made the following report:

MR. SPEAKER:

The joint select committee on Revision, in obedience to a resolution of the House, have instructed me to report that the following bills still pending before the General Assembly are, in the opinion of your committee necessary to be passed in some form or other in order to complete the Revision:

House Bills still pending before the House.

No. —. A bill districting the State for circuit courts.

No. —. A bill fixing the time of holding circuit courts.

No. 298. A bill for revenue purposes, and to establish a sinking fund, with commissioners of the same, for the redemption of bonds of the State therein named, and for the liquidation of the public debt.

Lost on passage in the House.

No. 282. A bill to establish a house of refuge for juvenile offenders, in the State of Indiana.

Lost on passage in the House.

No. —. A bill in relation to county libraries.

On the table.

No. 289. An act regulating warehouses, the keepers thereof, and for the protection of persons depositing produce, goods, wares, and merchandise therein.

On third reading.

No. 294. A bill in relation to the printing and distribution of the revised statutes and the code of civil and criminal practice.

Referred to select committee.

No. 234. A bill repealing all former acts of the Legislature except those therein named.

Referred to Judiciary committee.

No. 267. A bill to provide for the opening, vacating and change of highways.

Third reading.

No. 285. A bill providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto.

No. 293. A bill in relation to the assessment and taxation of the stock in road, canal, slackwater navigation, telegraph and bridge companies.

No. 140. A bill providing for the election, prescribing the duties and fixing the compensation of State Agent.

Third reading.

No. 151. A bill providing for the government of the State University, the management of its funds, and for the disposition of the lands thereof.

Failed for want of a constitutional majority.

No. 164. A bill to provide for the government and support of the Institution for the Education of the Deaf and Dumb.

Senate Bills before the House—Read twice and referred to Select Committee—On the Table on Third Reading—On ordering to a Third Reading.

No. 129. A bill providing for the election and prescribing certain duties of county surveyors.

No. 116. A bill establishing general provisions respecting corporations.

No. 143. An act for the incorporation of insurance companies, defining their powers and prescribing their duties, and in relation to foreign insurance companies and their agents.

No. 93. A bill to provide for the payment of the public debt of the State, and prescribing the manner of accomplishing this object.

Your committee recommend that the last named bill be added as an amendment to House bill No. 298.

No. 133. A bill to enable trustees to receive lands and donations and convey the same for the use of schools, churches, religious societies, Masonic and Odd Fellows' Lodges, Sons and Daughters of Temperance, and for the construction of cemeteries, houses of worship, or other buildings therein mentioned.

Referred to a select committee of three—Messrs. Holman, Behm, and Ray.

Bills of the House before the Senate.

No. 300. An act relative to the salaries of officers and providing the manner of paying the same.

No. 301. An act regulating appeals from the awards of arbitrators, in certain cases.

House bill No. 283, An act regulating the fees of officers.

On its engrossment, is postponed until the 4th inst., at 10 o'clock, A. M.

No. 94. A bill to constitute a council to be composed of officers of State without whose advice, and consent the Governor shall not have power to grant pardons, and to regulate the granting of such pardons, and the remission of fines and forfeitures.

No. 243. A bill to regulate the retailing of spirituous liquors.

No. 210. A bill regarding estrays, and articles adrift.

No. 223. A bill concerning trusts and powers.

Bills pending between the two houses on amendments.

No. 174. A bill to revise, simplify, and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State.

No. 102. A bill regulating the licensing of pilots at the falls of the Ohio, requiring bond and security of such pilots, prohibiting any unlicensed person from acting as such pilot, and providing for the compensation of such pilots and the revocation of their licenses.

No. 104. A bill to regulate the mileage of sheriffs in conveying convicts to the State Prison, and of county treasurers in making deposits, and in their settlements with the Treasurer and Auditor of State.

The probate bill, title not recollected.

No. 95. A bill to provide for the enlargement of the Indiana Hospital for the Insane.

No. 45. A bill to prohibit negroes and mulattoes from coming into the State of Indiana, and for the registering of such as are entitled to reside therein, and to prevent contracts with such negroes and mulattoes not entitled to such residence.

No. 159. An act touching gaming contracts.

The Senate bills yet pending before that body are not included in the above list, and in the haste in which the report has necessarily been got up, some other bills may have been lost sight of.

On motion by Mr. Gibson,

The report was laid on the table.

Mr. Miller called up House bill No. 302, a bill in relation in relation to the assessment and taxation of the stock of canal companies;

Which was lost on its passage on yesterday.

Mr. Miller moved to recommit the bill with the following instructions:

So amend the bill as to make provisions, for the application of all the taxes assessed and collected under the provisions, of this act to the payment of the State debt.

And the question being put,
The ayes and noes were demanded by Messrs. Miller and Nelson.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Buskirk, Carpenter, Dobson, Donaldson, Eccles, Foster, Geddes, Gibson, Gunn, Hanna, Hay of Clark, Hays of White, Hicks, Howell, Huey, Hunt, King, Laverty, Leviston, Lindsey of Fayette, Mayfield, Miller, Mudget, Reynolds, Stanfield, Stevens, Stover, Struble, Suit, Sumner, Sweet, Taggart, Wilson, Withers, and Mr. Speaker—38.

Those who voted in the negative were,

Messrs. Barker, Behm, Bryant, Bulla, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Davis of Franklin, Dice, Donham, Douthit, Gookins, Goudy, Graham, Hart, Helmer, Henry, Holladay, Holman, Hudson, Huffstetter, Humphreys, Lawrence, Lindsay of Howard, Major, Manson, McAllister, McConnell, McDonald, McDowell, Nelson, Porter, Price, Ray, Sale, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Torbet, Walker, Watson, and Williams—46.

So the bill was not recommitted.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Buskirk, Chowning, Crawford, Davis of Franklin, Dice, Donham, Douthit, Eccles, Gibson, Hart, Hay of Clark, Henry, Holman, Howell, Huey, Huffstetter, Humphreys, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Manson, McAllister, McConnell, McDonald, McDowell, Miller, Nelson, Porter, Ray, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Struble, Suit, Sumner, Sweet, Taggart, Torbet, Wilson, Withers, and Mr. Speaker—48.

Those who voted in the negative were,

Messrs. Behm, Brady, Bryant, Bulla, Carpenter, Cockrum, Cowgill, Cromwell, Donaldson, Doughty, Geddes, Gookins, Goudy, Graham, Gunn, Hanna, Hays of White, Helmer, Hicks, Holladay, Hudson, Hunt, King, Laverty, Lawrence, Mayfield, Price, Sale, Scudder, Stanfield, Staton, Thompson, Walker, Watson, Wells, and Williams—36.

So the bill did not pass.

On motion by Mr. Hay of Clark,
Senate bill No. 164, a bill to provide for the government and support of the Institution for the education of the Deaf and Dumb,
Was taken from the table.
The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Behm, Bryant, Bulla, Buskirk, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Davis of Franklin, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Howell, Hudson, Huey, Huffstetter, Hunt, King, Lavery, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Manson, Mayfield, McAllister, McConnell, Mudget, Nelson, Porter, Price, Sale, Scudder, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Suit, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—79.

Those who voted in the negative were,

Messrs. Ray, Schoonover, Shanklin, and Sumner—4.

So the bill passed.

Ordered, that the Clerk inform the Senate thereof.

Mr. Gookins obtained leave and made the following report:

MR. SPEAKER:

The select committee to whom was referred Senate bill No. 176, "a bill for the incorporation of cities," have had the same under consideration, and have directed me to report the same back to the House with the following amendments:

1st. At the end of section 5 insert "and the electors being met on the day appointed may choose by voice such inspectors, judges or clerk as may be necessary to organize the board."

2d. In section 6, 11th and 12th line, strike out words "trustees being."

3d. Amend section 9 by striking out from the beginning to the word "two," in the second line, inclusive, and insert "there shall be chosen biennially, on the first Monday in April, a mayor of said city, and annually on the first Monday of April, one."

4th. SEC. 18. After the words "be faithfully executed," add "he shall be a conservator of the peace, and as such shall have, within the city limits the powers conferred upon sheriffs of counties."

5th. SEC. 18. After the word "dollars," in relation to the bond of mayor, insert "to be approved by the clerk of the circuit court."

6th. At the close of section 18, add the following section:

SEC. —. The mayor shall keep a docket as justices do, and in case of his absence from the city for the space of five days or of inability in consequence of sickness or other cause for a like period, shall, prior to his departure, in the first case, or at the expiration of five days in the latter instance, (if his inability still continue,) deposit, or cause to be deposited, his docket with any justice of the peace within said city; such justice shall, during the mayor's absence or inability, be invested with and exercise the powers and authority of said mayor and perform all his official duties and be entitled to his fees and emoluments. In case of vacancy in the office of mayor, by death, resignation or otherwise, the council shall deposit the mayor's docket in the hands of some justice in said city, who shall act as and have all the powers of the mayor until such vacancy can be supplied by special election; and the official bond of such justice shall extend to and embrace all his acts while acting as mayor.

7th. SEC. 19. 8th line, strike out "his" and insert "the corporate."

8th. SEC. 20. Strike out the word "July" and insert "June."

9th. SEC. 22. Strike out the words "of the mayor" and insert "of the corporation."

10th. SEC. 27. Strike out the word "aldermen," where it occurs here and elsewhere in the bill, and insert "councilmen."

11th. SEC. 28. Strike out "a majority thereof," and insert "a majority of all the members to which the wards are entitled."

12th. SEC. 30. Strike out the words "for the clerk," and insert "a corporate seal."

13th. SEC. 33. Strike out the words "and the land on which," and the remainder of the section, and insert "the owner of such premises shall be liable to an action for the expenses of the removal of the building or structure."

14th. SEC. 34. 3d specification add "and all descriptions of gaming."

15th. In the 6th specification after words "education of the same," add "and specimens of the fine arts."

16th. After section 34, add the following section:

SEC. —. The common council shall have power to pass ordinances,

First. To regulate license or prohibit the use of hand organs or instruments of an annoying character, or other music of itinerant performers in the streets, lanes, alleys or public places of the city.

Second. To fill up or drain grounds whereon water has or may become stagnant, at the expense of the owner thereof.

Third. To prevent and regulate the use of fire-arms, fire-works,

or any sports or other thing or practice tending to annoy or endanger person or property.

Fourth. To compel owners or occupants of premises used as tallow-chandleries, soap-factories, tanneries, slaughter-houses, or for any other noisome or deleterious trade, business or manufactory, or having thereon stables, privies or sewers, to cleanse the same from time to time, as often as the health, comfort or convenience of the inhabitants requires the same, and to direct the location of powder-houses, slaughter-houses, tallow-chandleries, soap-factories, and other buildings or structures used in noisome or deleterious trades or business, or to prohibit their erection or continuance. And for this purpose, and for the removing and abating of all nuisances, the jurisdiction of the city extends one-half mile beyond the city limits.

Fifth. To establish cemeteries or burial places within or without the city limits, and to provide for the sanctity of the dead.

Sixth. To establish quarantine regulations.

17th. Add the following section :

SEC. —. The city council shall have power to erect and establish, to maintain and regulate an infirmary for the accommodation of the poor of such city, either within the limits of such city, or within the county in which it may be situate; and for such purpose may purchase or hold any real estate that may be deemed necessary; the management and government of any such infirmary, and the granting of out-door relief to the poor, under such rules and regulations as the council may prescribe, shall be vested in a board of three directors, to be elected by the city council, and hold their office for the term of three years, but it shall be so provided that one of said directors shall be elected annually; the city council may elect, or the said directors shall appoint, an overseer in each ward, who shall perform such duties in respect to the care of the poor, and their removal to said infirmary, as the city council may prescribe.

18th. Section 35, specification 12, strike out all after the words "notice given," and insert, "the city shall have an action against him."

19th. In section 37, strike out the words "in the newspapers," and insert "in some newspaper."

20th. Amend section 38 as follows: Before "name," insert "corporate," and after "city," strike out "of."

21st. SEC. 43. Strike out September and insert July.

22d. SEC. 43. Strike out the word "collector," and wherever else the word collector occurs in the bill descriptive of the office, strike it out and insert "treasurer."

Same section, next to last line, strike out March and insert January.

23d. Section 48, first line, strike out January and insert November; 2d line, strike out March and insert January.

24th. Add to section 49 as follows:

"Before making such sale the treasurer shall give notice not less

than twenty days, in a newspaper published in such city, that on a certain day, to be specified, he will offer for sale the lands and lots on which the taxes shall remain unpaid, or so much thereof as may be necessary to pay said taxes, and the costs of seizure and sale. If such city is a county seat, the sale shall be made at the court house door; if not, it shall be made at the outer door of the city hall or other place of meeting of the common council.

25th. SEC. 61. 4th line, after the word "alley" insert "or the part thereof." Also, in same section, 11th line, after the word "alley" insert "or such part thereof."

26th. SEC. 62. 11th line, after the word "alley" insert "or the part thereof."

27th. SEC. 63. Strike out all after the word "contractor" in the 7th line, and insert "proceed to collect the amount so assessed by an action in the name of the corporation against the owner, and to pay the same over to the contractor; and such estimate shall be a lien upon the property assessed until the same is paid."

28th. SEC. 68. 1st line, strike out "shall" and insert "may."

29th. Same section, 19th line, after "complainant" insert "or corporation."

30th. SEC. 79. Add to the end of the section "which plat shall be recorded."

31st. SEC. 81. Add to the end of the section "and the common council shall cause a plat of the annexed territory to be recorded."

32d. Add to the end of the section "*Provided*, that lands not held or subdivided into lots of two and a half acres or less, shall not be annexed, without the consent of the owners thereof."

33d. Section 54, strike out the proviso.

34th. Add the following section:

SEC. —. In consequence of an emergency, which is hereby declared to exist, this act shall take effect and be in force from and after its passage.

35th. SEC. —. In those incorporated towns which have a common council instead of a board of trustees, in their organization the duties by this act required to be performed by the board of trustees shall be performed by the common council.

Mr. Carpenter moved to amend the amendment as follows:

Add in the proper section, that the city council shall open and grade the streets; the side walks and gutters shall be at the expense of property holders, and the residue of the street shall be at the cost of the city.

Which was disagreed to.

Mr. Torbet moved to amend the amendment as follows:

SEC. —. Any addition heretofore or hereafter laid out, platted and recorded, to any city heretofore incorporated, shall be deemed and taken as a part of the corporate territory of such city, so soon as the city council, by a resolution of the board of councilmen shall

declare the same a part of such city, which resolution shall be entered on the records thereof.

Which was disagreed to.

Mr. Hudson moved to amend the amendment as follows :

Add a section having the following conditions:

Any addition to the original plat of any incorporated town in this State, acting under a city charter, and numbering over 200 inhabitants, may, if a majority of such inhabitants desire it, withdraw from said corporation.

Which was disagreed to.

The amendments of the committee were then concurred in, and ordered to be engrossed.

On motion by Mr. Brady,

The amendments were considered as engrossed and the bill read a third time.

By unanimous consent of the House,

On motion by Mr. Holman,

The bill was amended as follows :

SEC. —. The provisions of this act as to extending the limits of a city by embracing within the limits thereof any territory that may have been, or may be laid off into lots duly platted, and recorded as an addition to such city, shall apply to cities heretofore incorporated if so determined by a recorded resolution of the city council.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Bryant, Bulla, Buskirk, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Helmer, Henry, Hicks, Holman, Howell, Hudson, Huey, Huffstetter, Humphreys, Hunt, King, Lavery, Lawrence, Lindsey of Fayette, Lindsay of Howard, Major, Manson, Mayfield, McAllister, McConnell, McDowell, Miller, Nelson, Porter, Ray, Reynolds, Sale, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Stevens, Stover, Strnble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, Wilson, Withers, and Mr. Speaker—77.

Those who voted in the negative were,

Messrs. Carpenter, Donnohue, Holladay, Schoonover, and Williams—5.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

By unanimous consent of the House,
Mr. Hudson obtained leave and made the following report:

MR. SPEAKER:

The committee of Free Conference to whom was referred the disagreement of the two Houses to Senate bill No. 153, have directed me to report that they cannot agree as to said disagreement, and ask to be discharged from further consideration thereof;

Which was concurred in.

Mr. Humphreys called up No. 302; which was lost on its passage this morning.

Mr. Humphreys moved to reconsider the vote by which the House refused to commit House bill No. 302: a bill in relation to the assessment and taxation of the stock of canal companies, to a select committee with the instructions offered by Mr. Miller; and,

The question being put,

The ayes and noes were demanded by Messrs. English, and Graham.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Buskirk, Chowning, Crawford, Dice, Donham, Douthit, Eccles, Foster, Gibson, Hanna, Hart, Hay of Clark, Henry, Hicks, Howell, Huey, Huffstetter, Humphreys, Leviston, Lindsey of Fayette, Linsday of Howard, Manson, McAllister, McCounell, McDowell, Miller, Porter, Ray, Reynolds, Schoonover, Shanklin, Smith of Spencer, Stover, Struble, Suit, Sumner, Sweet, Taggart, Wilson, and Mr. Speaker—45.

Those who voted in the negative were,

Messrs. Bryant, Bulla, Carpenter, Cockrum, Cowgill, Cromwell, Davis of Franklin, Donaldson, Donnohue, Doughty, Geddes, Gookins, Goudy, Graham, Gunn, Helmer, Holladay, Holman, Hudson, Hunt, King, Lavery, Lawrence, Major, Mayfield, Mudgett, Nelson, Price, Sale, Scudder, Smith of Marion, Stanfield, Staton, Thompson, Walker, Watson, Wells, Williams, and Withers—39.

So the vote was reconsidered.

The question being on committing with the instructions of Mr. Miller,

Mr. English moved to amend the instructions as follows:

Add the following section:

All the State tax collected under the provisions of this act shall be applied to the payment of the State debt in such manner as may be prescribed by law.

Which was accepted.

Mr. Donaldson moved the House adjourn.

Which was disagreed to.

The question then recurred on recommitting the bill with the instructions;

And being put,

The ayes and noes were demanded by Messrs. English and Humphreys.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Buskirk, Chowning, Crawford, Davis of Franklin, Dice, Dobson, Donham, Donnohue, Douthit, Eccles, Foster, Gibson, Hanna, Hart, Hay of Clark, Hays of White, Henry, Howell, Huey, Huffstetter, Humphreys, Lavery, Leviston, Lindsey of Fayette, Manson, McAllister, McConnell, Miller, Porter, Ray, Reynolds, Schoonover, Smith of Spencer, Stover, Struble, Suit, Sumner, Sweet, Taggart, Wilson, Withers, and Mr. Speaker—47.

Those who voted in the negative were,

Messrs. Bryant, Bulla, Carpenter, Cockrum, Cowgill, Cromwell, Donaldson, Doughty, Geddes, Gookins, Goudy, Graham, Gunn, Helmer, Hicks, Holladay, Holman, Hudson, Hunt, King, Lawrence, Lindsay of Howard, Major, Mayfield, McDowell, Nelson, Price, Sale, Scudder, Shanklin, Smith of Marion, Stanfield, Staton, Thompson, Torbet, Walker, Watson, and Williams—38.

So the bill was committed with the instructions.

Messrs. Miller, Smith of Spencer, and Humphreys, were appointed said committee.

On motion by Mr. Buskirk,

Bill of the House No 308, a bill making specific appropriations for the year 1852, was taken up and made the special order of the day, in committee of the whole House for this day at half past two o'clock, P. M.

On motion by Mr. Staton,

The House adjourned.

2 o'clock, P. M.

The House met.

On motion by Mr. Williams,

A committee of free conference was appointed on the disagreement of the two Houses on Senate bill No. 153.

Messrs. Williams and Lindsay of Howard were appointed said committee.

Ordered that the clerk inform the Senate thereof.

No. 129. A bill providing for the election and prescribing certain duties of county surveyor;

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Davis of Franklin, Dice, Dobson, Donaldson, Donham, Donnohue, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Holladay, Holman, Howell, Hudson, Huey, Huffstetter, Humphreys, Hunt, King, Lavery, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Manson, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Nelson, Porter, Price, Ray, Sale, Scudder, Shanklin, Smith of Marion, Stanfield, Stevens, Struble, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—81.

Those who voted in the negative were,

Messrs. Behm and Schoonover—2.

So the bill passed.

Ordered that the Clerk inform the Senate of the passage thereof.

Mr. Humphreys, from a select committee, made the following report:

MR. SPEAKER:

The select committee to which was referred House bill No. 302, with instructions, have amended the bill as instructed, and now report the same back and recommend its passage.

Which was concurred in.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Buskirk, Chowning, Crawford, Dice, Donham, Douthit, Eccles, Foster, Gibson, Hanna, Hart, Hay of Clark, Henry, Holman, Howell, Huey, Huffstetter, Humphreys, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Manson, McAllister, McConnell, McDonald, McDowell, Miller, Nelson, Porter, Ray, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Stover, Struble, Sumner, Suit, Sweet, Taggart, Torbet, Wells, Wilson, Withers, and Mr. Speaker—52.

Those who voted in the negative were,

Messrs. Behm, Bryant, Carpenter, Cockrum, Cowgill, Cromwell, Davis of Franklin, Donaldson, Donnohue, Doughty, Geddes, Gookins, Goudy, Graham, Gunn, Hays of White, Helmer, Holladay, Hudson, Hunt, King, Laverty, Lawrence, Mayfield, Price, Sale, Scudder, Stanfield, Staton, Thompson, Walker, Watson, and Williams—33.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

Mr. Gibson obtained leave and made the following report:

MR. SPEAKER:

The committee on the Judiciary, to whom was referred the question, have directed me to report that, in their opinion, the members of the present General Assembly, except the select committee on Revision, are entitled to mileage for going home and returning to the seat of government during the temporary adjournment.

Mr. Beach obtained leave and made the following report:

MR. SPEAKER:

The Judiciary committee to whom was referred bill No. 247, an act respecting foreign corporations and their agents in this State, have had that subject under consideration and have directed me to report the same back without any recommendation, and asked to be discharged from further consideration thereof.

On motion by Mr. Holman,

The bill contained in the foregoing report was laid on the table.

Mr. Holman obtained leave and made the following report:

MR. SPEAKER:

The Judiciary committee to whom was referred House bill No. 162, a bill in relation to agents of foreign insurance companies, &c., have had the same under consideration, and have directed me to report the same back for the further action of the House and ask to be discharged from the further consideration of the subject.

On motion by Mr. Holman,

The bill contained in the foregoing report was laid on the table.

The hour having arrived the House resolved itself in committee of the whole on House bill No. 308, a bill making specific appropriations for the year 1852,

Mr. McDonald in the chair.

After spending some time, the committee arose and made the following report through their chairman:

MR. SPEAKER:

The committee of the whole House to whom was referred bill of the House No. 308, entitled "a bill making specific appropriations for the year 1852," have had the same under consideration, and direct me to report the same back with sundry amendments thereto, in which they ask the concurrence of the House, and ask to be discharged from the further consideration thereof.

The amendments were considered separately.

The question being on concurring in the 1st amendment reported by the committee, viz:

Strike out \$3 in the 11th section, and insert \$4;

Mr. Barker moved to amend the amendment by striking out \$4, and insert \$3 50.

Which was disagreed to.

The question then recurred on concurring in the 1st amendment reported by the committee,

And being put,

The ayes and noes were demanded by Messrs. Suit and Gibson.

Those who voted in the affirmative were,

Messrs. Barker, Buskirk, Chowning, Cowgill, Donnohue, Douthit, Gibson, Hart, Holman, McDowell, Stevens, Stuart, Suit, Torbet, and Wells—16.

Those who voted in the negative were,

Messrs. Beach, Beane, Beeson, Brady, Bryant, Cockrum, Craw-

ford, Davis of Franklin, Dice, Dobson, Donaldson, Donham, Doughty, Eccles, Foster, Geddes, Gookins, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Howell, Hudson, Huey, Huffstetter, Humphreys, Hunt, King, Laverty, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Manson, Mayfield, McAllister, Miller, Nelson, Porter, Price, Ray, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stover, Struble, Taggart, Thompson, Walker, Watson, Williams, Wilson, and Withers—63.

So the amendment was disagreed to.

The question being put on concurring in the 2d amendment reported by the committee, to strike out section 15 of the bill,

The ayes and noes were demanded by Messrs. Buskirk and Withers.

Those who voted in the affirmative were,

Messrs. Beane, Beeson, Davis of Franklin, Dice, Dobson, Donham, Donnohue, Foster, Goudy, Gunn, Hart, Hays of White, Holman, Howell, Hudson, Huey, Humphreys, King, Lawrence, Leviston, Major, Porter, Price, Ray, Reynolds, Sale, Shanklin, Smith of Spencer, Staton, Stevens, Stover, Struble, Sumner, Thompson, Watson, Wells, Williams, Wilson, and Withers—39.

Those who voted in the negative were,

Messrs. Barker, Beach, Brady, Bryant, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Doughty, Douthit, Eccles, Geddes, Gibson, Graham, Hanna, Hay of Clark, Helmer, Henry, Hicks, Holladay, Huffstetter, Hunt, Laverty, Lindsay of Howard, Manson, Mayfield, McAllister, McDonald, Nelson, Schoonover, Scudder, Smith of Marion, Stuart, Suit, Taggart, Torbet, Walker, and Mr. Speaker—40.

So the amendment was not concurred in.

Mr. Smith of Marion moved to reconsider the vote just taken; Which was disagreed to.

The question being put on concurring in the 3d amendment reported by the committee, viz: strike out \$640 and insert \$250 in — section.

It was disagreed to.

The question being on concurring in the 4th amendment, to-wit: allow William H. English \$3 for postage paid as Speaker of the House of Representatives.

It was agreed to.

The 5th amendment, viz: Andrew Shanklin, for expenses in conveying the remains of Joseph W. Holliday, late Representative from Blackford county, ten dollars, was concurred in.

Mr. Suit moved to amend the bill as follows:

Strike out \$4 and insert \$3 per day as the amount to be paid to the clerks and assistant clerks of the House, secretary and assistant secretary of the Senate, and the clerks to committees in the Senate and House of Representatives.

Mr. Douthit moved to amend by excepting the principal and assistant secretary of the Senate and their assistants, and the principal and assistant clerks of the House and their assistants.

Mr. Gibson moved to lay the amendment and the amendment to the amendment on the table;

And the question being put,

The ayes and noes were demanded by Messrs. Suit and Withers.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Brady, Bryant, Buskirk, Chowning, Cowgill, Douthit, Gibson, Graham, Hanna, Hart, Hay of Clark, Holman, Howell, Hudson, Humphreys, Hunt, King, Lavery, Lindsay of Howard, Manson, McDonald, Nelson, Ray, Sale, Smith of Marion, Stover, Stuart, Walker, Wells, and Mr. Speaker—32.

Those who voted in the negative were,

Messrs. Beane, Beeson, Behm, Carpenter, Cockrum, Crawford, Davis of Franklin, Dice, Dobson, Donaldson, Donham, Donohue, Eccles, Foster, Geddes, Gunn, Hays of White, Helmer, Hicks, Holladay, Huey, Huffstetter, Lawrence, Leviston, Lindsey of Fayette, Major, Mayfield, McAllister, McDowell, Miller, Porter, Price, Reynolds, Scudder, Shanklin, Smith of Spencer, Staton, Struble, Suit, Sumner, Taggart, Thompson, Watson, Williams, Wilson, and Withers—46.

So the motion did not prevail.

Mr. Suit moved to lay the amendment to the amendment on the table;

And the question being put,

The ayes and noes were demanded by Messrs. Suit and Douthit.

Those who voted in the affirmative were,

Messrs. Bulla, Carpenter, Cockrum, Crawford, Doughty, Geddes, Gibson, Goudy, Gunn, Hay of Clark, Helmer, Hicks, Holman, Huey, Lawrence, Lindsay of Howard, Major, McDowell, Miller, Porter, Reynolds, Sale, Schoonover, Scudder, Shanklin, Stanfield, Stover, Struble, Suit, Taggart, Thompson, Wells, Williams, Wilson, and Withers—35.

Those who voted in the negative were,

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Buskirk, Chowning, Cowgill, Davis of Franklin, Dice, Donaldson, Donham, Douthit, Eccles, Foster, Graham, Hanna, Hart, Hays of White, Henry, Holladay, Howell, Hudson, Huffstetter, Humphreys, Hunt, King, Laverty, Leviston, Lindsey of Fayette, Manson, Mayfield, McAllister, McDonald, Nelson, Ray, Smith of Marion, Smith of Spencer, Staton, Stuart, Sumner, Walker, Watson, and Mr. Speaker—46.

So the amendment to the amendment was not laid on the table.
The question then recurred on the adoption of the amendment to the amendment,

And being put,

The ayes and noes were demanded by Messrs. Suit and Williams.

Those who voted in the affirmative were,

Messrs. Beane, Beeson, Brady, Bryant, Cowgill, Dice, Dobson, Douthit, Foster, Graham, Hays of White, Hudson, Laverty, Manson, McDonald, McDowell, Nelson, Ray Smith of Marion, Smith of Spencer, Stover, and Mr. Speaker—22.

Those who voted in the negative were,

Messrs. Barker, Beach, Behm, Bulla, Buskirk, Chowning, Cockrum, Crawford, Davis of Franklin, Donaldson, Donham, Donnohue, Doughty, Eccles, Geddes, Gibson, Goudy, Gunn, Hanna, Hart, Hay of Clark, Helmer, Henry, Hicks, Holladay, Holman, Howell, Huey, Huffstetter, Humphreys, King, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Mayfield, McAllister, McConnell, Miller, Porter, Price, Reynolds, Sale, Schoonover, Scudder, Shanklin, Stanfield, Staton, Stevens, Struble, Stuart, Suit, Taggart, Thompson, Walker, Watson, Wells, Williams, Wilson and Withers—61.

So the amendment to the amendment was disagreed to.

Mr. Gunn submitted the following amendment as a substitute for Mr. Suit's amendment:

Amend so as to allow all clerks and doorkeepers of the House and Senate indiscriminately, whether principals or assistants, including clerks to committees, the sum of \$3 50 per day, for all services as such, certified as the bill provides.

Mr. Smith of Marion moved to lay the amendment and the amendment to the amendment on the table.

And the question being put,

The ayes and noes were demanded by Messrs. Withers and Huey.

Those who voted in the affirmative were,

Messrs. Beeson, Brady, Bryant, Buskirk, Chowning, Cowgill, Dobson, Donaldson, Donham, Douthit, Foster, Gibson, Graham, Hay of Clark, Hays of White, Holman, Howell, Hudson, Huffstetter, Hunt, King, Lavery, Lindsey of Fayette, Lindsay of Howard, Manson, McAllister, McConnell, McDonald, McDowell, Nelson, Price, Ray, Sale, Schoonover, Smith of Marion, Smith of Spencer, Stevens, Stover, Stuart, Sumner, Wells, and Mr. Speaker—42.

Those who voted in the negative were,

Messrs. Barker, Beach, Beane, Behm, Bulla, Carpenter, Cockrum, Crawford, Cromwell, Davis of Franklin, Dice, Donnohue, Doughty, Eccles, Geddes, Goudy, Gunn, Hanna, Hart, Helmer, Henry, Hicks, Holladay, Huey, Lawrence, Leviston, Major, Mayfield, Miller, Reynolds, Scudder, Shanklin, Stanfield, Staton, Struble, Suit, Taggart, Thompson, Walker, Watson, Williams, Wilson, and Withers—43.

So the motion did not prevail.

Mr. Gunn then withdrew his amendment.

Mr. Struble moved to amend the amendment as follows:

And mileage at the same rate as members of the General Assembly.

On motion by Mr. Davis of Franklin,

The amendment was laid on the table.

The question then recurred on the proposition of Mr. Suit;

And the question being put,

Those who voted in the affirmative were,

Messrs. Barker, Beane, Beeson, Bulla, Carpenter, Cockrum, Crawford, Davis of Franklin, Donham, Donnohue, Doughty, Eccles, Foster, Geddes, Gunn, Helmer, Hicks, Huey, Lawrence, Leviston, Miller, Scudder, Shanklin, Stanfield, Staton, Stevens, Suit, Sumner, Taggart, Thompson, Watson, Williams, Wilson, and Withers—34.

Those who voted in the negative were,

Messrs. Beach, Behm, Brady, Bryant, Buskirk, Chowning, Cowgill, Dice, Dobson, Douthit, Gibson, Gookins, Graham, Hanna, Hart, Hay of Clark, Hays of White, Holladay, Holman, Howell, Hudson, Huffstetter, Humphreys, Hunt, King, Lindsey of Fayette, Lindsay of Howard, Major, Manson, Mayfield, McAllister, McConnell, McDonald, McDowell, Nelson, Porter, Ray, Sale, Schoonover, Smith of Marion, Smith of Spencer, Stover, Stuart, Walker, Wells, and Mr. Speaker—46.

So the amendment was disagreed to.

A message from the Senate by Mr. Dunn their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House:

No. 164. An act to repeal an act entitled "An act to amend an act authorizing the construction of plank roads," approved January 15, 1849, approved January 14, 1850.

Without amendment.

A message from the Senate by Mr. Dunn their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House:

No. 305. A bill to extend the terms of the probate courts of Daviess county.

Without amendment.

Mr. Smith of Marion, chairman of the committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The committee on Enrolled Bills have compared the following enrolled with the engrossed bills of the House of the corresponding numbers, and report the same to the House correctly enrolled:

No. 95. An act to provide for the enlargement of the Indiana Hospital for the Insane.

No. 170. An act for the regulation of weights and measures.

No. 213. An act touching official bonds and oaths.

No. 260. An act providing for the appointment of notaries public, and defining their powers and duties.

No. 286. An act to encourage the destruction of wolves.

Whereupon the Speaker signed the same.

Ordered, that the Clerk inform the Senate thereof.

Mr. Lavery, from the joint committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The joint committee on Enrolled Bills have this day presented to

the Governor for his approval enrolled bills of the House numbered 14, 80, 95, 170, 199, 213, 260, 261, 278, 279 and 286.

On motion by Mr. McDonald,
The House adjourned.

THURSDAY MORNING, 7 $\frac{1}{2}$ o'clock, }
June 10, 1852. }

The House met.

The Clerk proceeded to read the journal;

When,

On motion,

The further reading thereof was dispensed with.

REPORTS FROM COMMITTEES.

Mr. Stuart, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred House bill No. 306, "a bill to authorize the circuit judges to fix the times of holding courts, &c.," have had the same under consideration, and have instructed me to report that, at this late day of the session and amid the pressure of business, they have not had time to give the subject as much attention as it deserves; but they are free to say that the plan proposed by the bill is preferable to leaving the matter still in the hands of the Legislature, as a subject of local legislation; they, therefore, report back the bill without amendment, and respectfully recommend its passage.

The bill was ordered to be engrossed.

Mr. Holman, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred Senate bill No. 133, have directed me to report the same back to the House for the action of the House thereon, and ask to be discharged from the further consideration of the subject.

The bill was ordered to a third reading.

By unanimous consent of the House,

Mr. Williams obtained leave and introduced

No. 311. A bill supplemental to a bill to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties thereof;

Which was read the first time and passed to a second reading.

Mr. Holman, by unanimous consent of the House, obtained leave and introduced

No. 312. A bill supplemental to an act entitled "an act to establish courts of common pleas, and defining the jurisdiction and duties of the judges thereof."

Which was read a first time and passed to a second reading.

By unanimous consent of the House,

Mr. Leviston obtained leave and introduced

No. 313. A bill to suspend the operation of an act entitled "an act to provide for a general and uniform system of common schools and school libraries and matters properly connected therewith;

Which was read a first time and passed to a second reading.

ORDERS OF THE DAY.

On motion by Mr. Hays of White,

House bill No. 210, a bill concerning estrays and articles adrift,
Was taken up.

By unanimous consent of the House,

On motion by Mr. Hays of White,

The bill was amended as follows:

SEC. 16. Strike out all after the words "make oath to the same," and insert the following:

That any animal taken up under the provisions of this act and worked by the taker up, a reasonable compensation shall be allowed for the services of said animal, to be deducted from its keeping; the taker up, if required, shall verify, under oath, the time he has worked said animal.

The bill was then read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Bryant, Bulla, Buskirk, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Davis of Franklin, Dice, Dobson, Donaldson, Donham, Donnohue, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Howell, Hudson, Huey, Huffstetter, Hunt, Lavery, Lawrence, Leviston, Lindsey of Fayette, Mayfield, McAlister, McConnell, McDowell, Miller, Nelson, Porter, Price, Ray, Reynolds, Sale, Schoonover, Shanklin, Smith of Marion, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Suit, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, and Withers—78.

Those who voted in the negative were,

Messrs. Linsday of Howard, Major, and Mr. Speaker—3.

So the bill passed.

Ordered, that the Clerk inform the Senate thereof.

On motion by Mr. Price,

Senate bill No. 186, a bill providing for the organization of county boards, and prescribing some of their powers and duties;

Was taken from the table and placed upon the files of the House.

Mr. Manson moved to take up House joint resolution No. 33, on the subject of bridges crossing navigable streams;

Which was disagreed to.

Mr. Shanklin, by unanimous consent of the House, submitted the following resolution:

Resolved, That the chairmen of the different committees be required to report to this House how many days they have had clerks in their employment and for which they will certify.

Which was agreed to.

The House resumed the consideration of House bill No. 302, a bill making specific appropriations for the year 1852.

Mr. Beane moved to amend the bill as follows:

SEC. —. That John Fitzpatrick, Benjamin Mikesell, James H. Jones, Moses Kiser, and Israel Wyland be allowed nineteen dollars each for thirteen days time spent in going to, returning from, and at-

tending upon the Wabash circuit court, from another county, as witnesses in behalf of the State, on an indictment against — Cook and — Bushnell, for horse-stealing.

Which was disagreed to.

On motion by Mr. Buskirk.

The vote just taken was reconsidered.

The question then recurred on the adoption of Mr. Beane's amendment;

And being put,

The ayes and noes were demanded by Messrs. Doughty and Beane.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Brady, Bryant, Buskirk, Chowning, Cockrum, Cowgill, Crawford, Dobson, Doughty, Douthit, Eccles, Geddes, Helmer, Henry, Hicks, Holladay, Howell, Lavery, McAllister, McConnell, McDowell, Miller, Mudget, Nelson, Porter, Ray, Reynolds, Schoonover, Smith of Marion, Stover, Sweet, Taggart, Thompson, Walker, and Mr. Speaker—38.

Those who voted in the negative were,

Messrs. Beeson, Bulla, Carpenter, Cromwell, Davis of Franklin, Dice, Donaldson, Donham, Donnohue, Foster, Goudy, Graham, Gunn, Hart, Hay of Clark, Hays of White, Holman, Hudson, Huey, Huffstetter, Hunt, Lawrence, Leviston, Lindsey of Fayette, Major, Manson, McDonald, Price, Sale, Scudder, Shanklin, Smith of Spencer, Staton, Stevens, Struble, Suit, Sumner, Torbet, Watson, Wells, Williams, Wilson, and Withers—43.

So the amendment was disagreed to.

Mr. Buskirk, chairman of the committee on Ways and Means, submitted an amendment to the bill, comprising 34 sections, numbering from 50 to 83 inclusive.

The sections were considered separately.

The question being put on concurring in the 50th section,

Mr. Hart moved to amend the amendment by striking out \$100 and inserting \$50 in said section.

And the question being put,

The ayes and noes were demanded by Messrs. Hart and Withers.

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Cockrum, Crawford, Cromwell, Dobson, Donaldson, Donham, Eccles, Foster, Graham, Hanna, Hart, Helmer, Hicks, Howell, Huffstetter, Hunt, Lawrence, Leviston, Lindsey

of Fayette, Major, Mayfield, Miller, Porter, Ray, Shanklin, Smith of Spencer, Staton, Struble, Sumner, Taggart, Thompson, Walker, Watson, Wells, Williams, Withers, and Mr. Speaker—39.

Those who voted in the negative were,

Messrs. Beane, Behm, Brady, Bryant, Bulla, Buskirk, Chowning, Cowgill, Davis of Franklin, Donnohue, Doughty, Douthit, Geddes, Gibson, Gookins, Goudy, Gunn, Hay of Clark, Hays of White, Holladay, Holman, Hudson, Huey, Lavery, Lindsay of Howard, McAllister, McConnell, McDowell, Nelson, Reynolds, Sale, Schoonover, Smith of Marion, Stanfield, Stevens, Stover, Stuart, Suit, Torbet, and Wilson—40.

So the amendment to the amendment was disagreed to.

Mr. Smith of Spencer moved to amend the amendment by allowing Porter and Barbour each \$100.

Which was disagreed to.

The question then recurred on the adoption of the (50th section) amendment of the committee;

And being put,

The ayes and noes were demanded by Messrs. Smith of Spencer and McDowell.

Those who voted in the affirmative were,

Messrs. Beane, Brady, Bryant, Buskirk, Carpenter, Chowning, Cowgill, Douthit, Foster, Geddes, Gibson, Gookins, Goudy, Hay of Clark, Hays of White, Henry, Holladay, Holman, Howell, Hudson, Hunt, Lavery, Lawrence, Lindsay of Howard, Manson, Mayfield, Nelson, Sale, Shanklin, Smith of Marion, Stover, Stuart, Suit, Sweet, Taggart, Torbet, Watson, and Wells—38.

Those who voted in the negative were,

Messrs. Barker, Beeson, Bulla, Cockrum, Crawford, Cromwell, Davis of Franklin, Dice, Donham, Donnohue, Doughty, Eccles, Graham, Gunn, Hanna, Hart, Helmer, Hicks, Huey, Huffstetter, Leviston, Lindsey of Fayette, Major, McAllister, McDonald, McDowell, Miller, Porter, Ray, Reynolds, Smith of Spencer, Stanfield, Staton, Stevens, Struble, Thompson, Walker, Williams, Wilson, Withers, and Mr. Speaker—41.

So the amendment was disagreed to.

On motion by Mr. Bulla,

The vote by which Mr. Beane's amendment was lost, was reconsidered.

The question then recurred on the adoption of Mr. Beane's amendment;

And being put,
It was agreed to.

On motion by Mr. Doughty,
The vote by which the House rejected section 50 in the amendment was reconsidered.

On motion by Mr. Carpenter,
The amendment was amended by adding in the proper place "in full."

The question then recurred on the adoption of the amendment of the committee as amended;

And being put,
The ayes and noes were demanded by Messrs. McDowell and Withers.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Behm, Brady, Bryant, Buskirk, Carpenter, Chowning, Cowgill, Dobson, Donnohue, Doughty, Douthit, Eccles, Geddes, Gibson, Gookins, Goudy, Gunn, Hanna, Hay of Clark, Hays of White, Henry, Holladay, Holman, Howell, Hudson, Huffstetter, Hunt, King, Lavery, Lawrence, Lindsay of Howard, Mayfield, McAllister, McConnell, Mudget, Nelson, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Stanfield, Stevens, Stover, Stuart, Suit, Sweet, Taggart, Torbet, Wilson, and Wells—54.

Those who voted in the negative were,

Messrs. Beeson, Bulla, Cockrum, Crawford, Cromwell, Davis of Franklin, Dice, Donham, Graham, Hart, Helmer, Hicks, Huey, Levi-ston, Major, Manson, McDonald, McDowell, Miller, Porter, Ray, Reynolds, Smith of Spencer, Staton, Struble, Sumner, Thompson, Walker, Williams, Wilson, Withers, and Mr. Speaker—32.

So the amendment was agreed to.

The question then being on the adoption of the 2d amendment, section 51.

Mr. Lindsay of Howard moved to amend the amendment by allowing John Harrington \$3 per day during the present session of the Legislature;

Which was agreed to.

The amendment was then adopted.

The 52d, 53d, and 54th sections in the amendment were agreed to.

On motion by Mr. Gookins,

Leave of absence was granted Mr. Hudson.

The question being put on concurring in the 55th section of the amendment,

The ayes and noes were demanded by Messrs. Graham and Smith of Spencer.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Brady, Bryant, Buskirk, Chowning, Donnohue, Douthit, Foster, Geddes, Gibson, Hanna, Holman, Huffstetter, Hunt, Lavery, Lindsay of Howard, McAllister, McDonald, Nelson, Schoonover, Smith of Marion, Stover, Stuart, Suit, Sweet, Taggart, Torbet, Williams, and Mr. Speaker—31.

Those who voted in the negative were,

Messrs. Beeson, Bulla, Cockrum, Cowgill, Cromwell, Dice, Dobson, Donham, Doughty, Eccles, Goudy, Graham, Gunn, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Huey, Lawrence, Leviston, Lindsey of Fayette, Major, Mayfield, McDowell, Miller, Mudget, Porter, Ray, Reynolds, Sale, Scudder, Shanklin, Smith of Spencer, Stanfield, Staton, Struble, Thompson, Walker, Watson, Wells, Wilson, and Withers—45.

So the 55th section was not concurred in.

The 56th and 57th sections of the amendment were agreed to.

The 58th, 59th, 60th, 61st, 62d, 63d, 64th, 65th, 66th, 67th, 68th, 69th, and 70th sections of the amendment were agreed to.

The question being put on concurring in the 71st section of the amendment,

Mr. Beach moved to amend the amendment by striking out \$18, the allowance for publishing absentees.

And the question being put,

The ayes and noes were demanded by Messrs. McDonald and Sumner.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beeson, Bulla, Carpenter, Cockrum, Cromwell, Dice, Dobson, Donaldson, Doughty, Foster, Hart, Howell, Huey, Huffstetter, Lawrence, Leviston, Major, McDonald, Miller, Ray, Reynolds, Smith of Spencer, Sumner, Taggart, Thompson, Torbet, Watson, Williams, Wilson, Withers, and Mr. Speaker—33.

Those who voted in the negative were,

Messrs. Beane, Brady, Bryant, Buskirk, Chowning, Crawford, Davis of Franklin, Douthit, Eccles, Geddes, Gibson, Gookins, Graham, Gunn, Hanna, Hay of Clark, Helmer, Henry, Hicks, Holladay, Hol-

man, Hunt, King, Laverty, Lindsay of Howard, Manson, McAllister, McDowell, Nelson, Sale, Schoonover, Scudder, Smith of Marion, Staton, Stevens, Stover, Struble, Stuart, Suit, Sweet, Walker, and Wells—42.

So the amendment to the amendment was disagreed to.

Mr. Lindsay of Howard moved to amend the amendment by adding after the word "representatives," "for distribution."

Which was agreed to.

The 71st section was then agreed to.

The 72d, 73d and 74th sections were agreed to.

The question being put on concurring in the 75th section of the amendment,

Mr. Gibson moved to amend the amendment by filling the blank with \$4.

And the question being put,

The ayes and noes were demanded by Messrs. Schoonover and Gibson.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Bryant, Buskirk, Chowning, Dobson, Douthit, Gibson, Hanna, Hay of Clark, Hays of White, Holman, Hunt, Laverty, Manson, McAllister, McConnell, McDowell, Mudgett, Nelson, Ray, Sale, Schoonover, Smith of Marion, Stanfield, Stevens, Stover, Stuart, Sweet, Wells, and Mr. Speaker—32.

Those who voted in the negative were,

Messrs. Beeson, Bulla, Carpenter, Cockrum, Crawford, Cromwell, Davis of Franklin, Dice, Douham, Donnohue, Doughty, Eccles, Foster, Geddes, Graham, Gunn, Hart, Helmer, Henry, Hicks, Holladay, Huey, Huffstetter, King, Lawrence, Leviston, Lindsey of Fayette, Major, McDonald, Miller, Porter, Reynolds, Scudder, Shanklin, Staton, Struble, Suit, Sumner, Taggart, Thompson, Walker, Watson, Williams, and Wilson—44.

So the amendment to the amendment was disagreed to.

Mr. Gibson moved to amend the amendment by inserting as follows:

Such sums per day as may be allowed other clerks of committees.

Which was agreed to.

The 75th section, as amended, was then agreed to.

The 76th, 77th, 78th, 79th, 80th and 81st sections of the amendment were agreed to.

Mr. King moved to reconsider the vote allowing Mr. Williams mileage for 1847-48.

Which was disagreed to.

The question being on concurring in the S2d section of the amendment,

On motion,

It was amended by striking out the allowances to Messrs. Hickman and Bigler, and \$9 50 added to the allowance to Mr. Suit, and allowing Mr. Withers the sum of \$2 75.

On motion by Mr. Hays of White,

The S2d section was amended by allowing Little and Wiggins \$20 for extra attentions, and Dr. J. S. Bobbs \$30 for medical services rendered the Hon. Isaac H. Morris, in his last sickness.

The section was then agreed to.

The S3d section of the amendment was agreed to.

Mr. Taggart moved to amend the bill as follows:

Strike out all that relates to the pay of the Principal and Assistant Secretary of the Senate, and the Principal and Assistant Clerks of the House, and insert the following:

“That the principal and assistant secretaries of the Senate, and the principal and assistant clerks of the House, shall each be allowed the same per diem and mileage as is allowed to members of the General Assembly.”

Mr. Doughty moved to amend the amendment as follows:

“And all other clerks of the House and Senate, and all clerks of the committees shall have three dollars per day.”

Which was accepted by Mr. Taggart.

Mr. Gibson moved to amend the amendment as follows:

Add and that such clerks shall receive pay in the same manner as members, whether present or absent.

Which was disagreed to.

Mr. Beeson moved to amend the amendment as follows:

That the secretaries of the Senate and assistants, clerks of the House of Representatives and assistants, and clerks of the committees, be entitled to three dollars per diem, and that the secretaries of the Senate, and assistants, and clerks of the House of Representatives and assistants, be entitled to mileage for going to and from the General Assembly, the same that the members are.

The question being put on Mr. Beeson's amendment to the amendment,

It was disagreed to.

Mr. Gibson moved to amend the amendment by striking out all in relation to mileage.

Which was agreed to.

The question then recurred on Mr. Taggart's amendment;

And being put,

The ayes and noes were demanded by Messrs. Taggart and Suit.

Those who voted in the affirmative were,

Messrs. Beane, Bulla, Carpenter, Cockrum, Crawford, Cromwell, Davis of Franklin, Donnohue, Doughty, Eccles, Geddes, Goudy,

Gunn, Helmer, Hicks, Howell, Huey, Lawrence, Leviston, Major, Miller, Porter, Scudder, Shanklin, Stanfield, Staton, Struble, Suit, Sumner, Sweet, Taggart, Thompson, Watson, Williams, and Wilson—35.

Those who voted in the negative were,

Messrs. Barker, Beach, Beeson, Behm, Brady, Bryant, Buskirk, Chowning, Cowgill, Dice, Donaldson, Donham, Douthit, Gibson, Graham, Hanna, Hart, Hay of Clark, Hays of White, Henry, Holladay, Holman, Huffstetter, Humphreys, Hunt, King, Lavery, Lindsey of Fayette, Lindsay of Howard, Manson, Mayfield, McAllister, McConnell, McDonald, McDowell, Mudget, Nelson, Price, Ray, Reynolds, Sale, Schoonover, Smith of Marion, Smith of Spencer, Spencer, Stevens, Stover, Stuart, Torbet, Walker, Wells, and Mr. Speaker—52.

So the amendment was disagreed to.

Mr. Gunn moved to amend the amendment as follows:

Amend sections first, second, third, fourth, and eleventh, so that the secretaries of the Senate and clerks to Senate committees; and clerks of the House of Representatives and clerks to House committees, and all Door-keepers, principals and assistants of the Senate and of the House of Representatives, certified as the bill provides, be allowed each three dollars and fifty cents per day for their services as such respectively.

Which was disagreed to.

On motion by Mr. Stanfield,

The vote rejecting the claim of Mr. Kent (section 55) was reconsidered.

The question then recurred on the adoption of the amendment; And being put,

It was agreed to.

Mr. Smith of Spencer moved to amend the amendment as follows: In sections 16 and 17 strike out \$1 and insert \$3 per day.

Mr. Stanfield called the previous question;

Which was seconded by the House, and the main question ordered.

The question was first put on the adoption of the amendment proposed by Mr. Smith;

And being put,

The ayes and noes were demanded by Messrs. Smith of Spencer and Manson.

Those who voted in the affirmative were,

Messrs. Behm, Bulla, Donnohue, Douthit, Hanna, Hart, Hays of White, Lawrence, Manson, Porter, Smith of Marion, Smith of Spencer, Stover, Suit, and Withers—15.

Those who voted in the negative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Bryant, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Davis of Franklin, Dice, Dobson, Donaldson, Donham, Doughty, Eccles, Geddes, Gibson, Gookins, Goudy, Graham, Gunn, Hay of Clark, Helmer, Henry, Holladay, Holman, Huey, Huffstetter, Humphreys, Hunt, King, Laverty, Leviston, Lindsey of Fayette, Lindsay of Howard, Mayfield, McAllister, McConnell, McDonald, McDowell, Mudget, Nelson, Price, Ray, Reynolds, Sale, Schoonover, Scudder, Shanklin, Spencer, Stanfield, Staton, Stevens, Struble, Stuart, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams, Wilson, and Mr. Speaker—70.

So the amendment was disagreed to.

The bill was then ordered to be engrossed.

On motion by Mr. Stanfield,

The bill was considered as engrossed and read a third time.

Mr. Beeson moved to recommit the bill with the following instructions:

SEC. —. That George W. Hargitt, the clerk of the Commissioners, be allowed \$4 per diem for the time he served as clerk of said Commissioners.

And the question being put,

The ayes and noes were demanded by Messrs. Behm and Beeson.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Buskirk, Dice, Donham, Douthit, Eccles, Henry, Holman, Huffstetter, Hunt, Laverty, Manson, McAllister, Miller, Porter, Sale, Smith of Marion, Stover, Sweet, Torbet, and Wilson—23.

Those who voted in the negative were,

Messrs. Barker, Behm, Brady, Bryant, Bulla, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Donaldson, Donnohue, Doughty, Foster, Geddes, Gibson, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Hicks, Holladay, Howell, Huey, Humphreys, Leviston, Lindsay of Howard, Major, Mayfield, McConnell, McDonald, McDowell, Mudget, Nelson, Price, Ray, Reynolds, Scudder, Shanklin, Smith of Spencer, Stanfield, Staton, Struble, Suit, Sumner, Thompson, Walker, Watson, Wells, Williams, Withers, and Mr. Speaker—56.

So the bill was not recommitted.

By the unanimous consent of the House,

The bill was amended by allowing the widow of the Hon. J. W. Holliday deceased, late Representative from the county of Blackford the per diem of said deceased until his successor was elected and qualified.

To the widow of the Hon. Isaac H. Morris deceased the per diem till the close of the present session.

To the widow of the Hon. H. Hostetter, deceased, the per diem from the time of the said decease till the election and qualification of his successor.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Brady, Buskirk, Chowning, Dobson, Donaldson, Douthit, Geddes, Gibson, Gookins, Hanna, Hay of Clark, Henry, Howell, Huffstetter, Humphreys, Hunt, Lavery, Lindsay of Howard, Manson, McAllister, McConnell, McDonald, McDowell, Mudgett, Nelson, Price, Ray, Reynolds, Sale, Schoonover, Smith of Marion, Stover, Stuart, Wells, and Mr. Speaker—38.

Those who voted in the negative were,

Messrs. Beeson, Behm, Bulla, Carpenter, Cockrum, Cowgill, Crawford, Cromwell, Davis of Franklin, Dice, Donham, Donnohue, Dougherty, Eccles, Foster, Goudy, Graham, Gunn, Hart, Hays of White, Helmer, Hicks, Holladay, Holman, Huey, King, Lawrence, Leviston, Lindsey of Fayette, Major, Mayfield, Miller, Porter, Scudder, Shanklin, Smith of Spencer, Stanfield, Staton, Stevens, Struble, Suit, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Williams, Wilson, and Withers—50.

So the bill did not pass.

Mr. Gookins obtained leave and made the following report from a select committee:

MR. SPEAKER:

The select committee to whom was referred the amendments of the Senate to the amendments of the House to the Senate bill No. 176, a bill for the incorporation of cities, have had the same under consideration and have instructed me to report, that they recommend that the House concur in the amendments of the Senate to the 4th, 6th, 14th and 16th amendments of the House; and that the House recede from their 31st and 35th amendments to the bill;

and that the House insist upon their 3d, 25th and 26th amendments.
Which was concurred in.

Ordered that the Clerk inform the Senate thereof.

Mr. Gookins obtained leave and made the following report:

MR. SPEAKER:

The committee of Conference, to whom was referred the disagreement between the two Houses in regard to the amendments of the House to the bill of the Senate No. 174, a bill to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State, have had the same under consideration, and recommend that the House recede from their second amendment, and that in lieu of the third amendment of the House, the following sections be adopted, to-wit:

SEC. —. When the affidavit is founded upon excitement or prejudice, in the county, against the defendant, the court may, in its discretion, grant a change of venue to the most convenient county. The clerk must thereupon make a transcript of the proceedings and order of the court, and having sealed up the same, with the original papers, deliver them to the sheriff, who must, without delay, deposit them in the clerk's office of the proper county, and make his return accordingly.

SEC. —. The jurisdiction of the latter court is complete, and the cause must be docketed and stand for trial at the first term.

And that the House recede from the third amendment, and that the Senate concur in the fifth, sixth and seventh amendments of the House.

Which was concurred in.

Ordered, that the Clerk inform the Senate thereof.

On motion by Mr. Torbet,

The following message from the Senate was taken up:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House:

No. 290. An act concerning officers of municipal incorporations;

With sundry engrossed amendments of the Senate thereto.

In which the concurrence of the House is respectfully requested.

The engrossed amendments of the Senate were concurred in.

Ordered that the clerk inform the Senate thereof.

On motion by Mr. Gookins,

A committee of Free Conference was ordered on Senate bill No. 176.

Messrs. Gookins and Brady were appointed said committee.

Ordered that the clerk inform the Senate thereof.

On motion by Mr. Williams,

The vote taken on the passage of House bill

No. 298. A bill for revenue purposes, and to establish a sinking fund, &c.

Was reconsidered.

On motion by Mr. Stover,

The bill was recommitted to a select committee, with the following instructions:

Strike out all in relation to raising revenue by taxation, and provide that all the revenues derived from the sale of any public work belonging to the State and the net annual income thereof, and that any surplus that may remain in the treasury, derived from taxation for general purposes, after paying the ordinary expenses of government and the interest on the State debt.

Messrs. Stover, Nelson and Suit were appointed said committee.

Mr. Holman, from a select committee, made the following report:

MR. SPEAKER:

The select committee to which was referred Senate bill No. 165, and a petition from citizens of Lawrenceburgh, in Dearborn county, on the same subject, have had the same under consideration, and have directed me to report the same back to the House, with one amendment to the bill, and as amended, to recommend the passage of the bill.

Add to the bill the following section:

SEC. 2. Nothing in this act shall be so construed as to affect in any manner whatever the Ohio and Mississippi Railroad Company, in the construction of the road of said company on the route designated in its act of incorporation, and continuously to the city of Cincinnati, in the State of Ohio, or to prevent or hinder the construction of any railroad crossing the road mentioned in the first section of this act, having both of the terminations thereof within the limits of this State, and not forming a regular connection with a railroad leading to the city of Cincinnati, in the State of Ohio.

The amendment was agreed to, and the bill ordered to a third reading.

By unanimous consent of the House,

Mr. Stover obtained leave and introduced

No. 34. A joint resolution to require the Secretary of State to publish certain acts therein named;

Which was read a first time and passed to a second reading.

On motion by Mr. McDonald,
The House adjourned.

2 o'clock, P. M.

The House met.

The Speaker laid before the House the following communication from the Doorkeeper:

HON. WM. H. ENGLISH,
Speaker of the House of Representatives:

SIR:—Please lay before the House over which you preside, the following communication.

G. W. PATTERSON,
Doorkeeper of House of Representatives.

In compliance with a joint resolution of the General Assembly, requiring me to cause a good and efficient lightning rod to be placed on the State House, and that the present chain and rod be removed and disposed of by me, I have the honor to state that I have procured and caused to be put up on the State House a good and efficient lightning rod, the expense of which I have communicated to the committee of Ways and Means; that I caused the chain and rod to be sold, and have placed the net proceeds of the sale in the State treasury, for which sum, being thirty-four dollars and ninety-six cents, I hold the receipt of the Treasurer of State.

INDIANAPOLIS, June 10, 1852.

The Speaker laid before the House the following communication:

HON. W. H. ENGLISH,
Speaker of the House of Representatives:

SIR:—In answer to the resolution of the House, requiring the chairman of each committee to report how many days they have had clerks in their employment, and for which they will certify, the undersigned respectfully report that the clerks employed by the joint

committee on Education were employed under a resolution of the Senate, that they were kept in service only forty-six days, during which they were assiduously and unremittingly engaged, and that they were discharged at the expiration of that time, the committee deeming any further expenditure for clerk hire unnecessary.

JAMES S. ATHON,

Chairman of Senate com. and Joint com.

JAMES R. M. BRYANT,

Chairman pro tem. House com.

Mr. Bryant obtained leave and made the following report:

MR. SPEAKER:

The joint committee on Revision, Arrangement and Phraseology, to which was referred bill of the House No. 248, have had the same under consideration and directed me to report the same back to the House with the following amendment: strike out sections 2, 6, 7, 8, 9, 10, 12 and 13, which are already provided for in sections 799 and 800 of the Civil Code; and ask to be discharged from the further consideration of the subject.

The amendments were concurred in, and the bill ordered to be engrossed.

Mr. Torbet obtained leave and made the following report:

MR. SPEAKER:

The joint committee on Revision, to whom was referred bill of the House No. 294, a bill in relation to the printing and distribution of the Revised Statutes and Code of Practice, report the same back with the following amendment, which incorporates the amendments engrafted upon the bill by the House, with additional amendments proposed by the committee; they respectfully recommend its passage.

Strike out from the enacting clause and insert the following:

SEC. 1. That of the Revised Statutes of 1952 and of the Code of Practice there shall be printed by the first day of December next, in the English language, each in a separate volume, fifteen thousand copies; and that of the local and special acts of this session, there shall be printed six thousand copies; and that the Secretary, Auditor, and Treasurer of State contract with some suitable person for the binding thereof.

SEC. 2. A committee to consist of one from the Senate and two from the House, shall be elected by the respective Houses to remain at the Capital and superintend the publication of the Revised Statutes, whose duty shall be as follows:

To read and compare the proof sheets with the enrolled bills;

To prepare marginal notes;

To prepare and cause to be published with the Revised Code, reference notes of all decisions of the supreme court, applicable to such statutes, and reference notes indicating a conflict of statutes, when any exists;

To arrange the statutes for publication, disposing in separate volumes, the local laws, the Code of Practice and the revised laws;

To prepare a full and copious index to each volume, and to the laws required to be published in pamphlet form.

SEC. 3. Said committee shall receive the same compensation for their services as for services of members, to be paid on the certificate of the chairman, and shall not have power to employ a clerk.

SEC. 4. The Revised Statutes when ready for delivery shall be distributed as follows: to the officers of the State; to the judges, reporter, clerk and sheriff of the Supreme court; to the judges and prosecuting attorneys of the judicial circuits; to the judges of the several courts of common pleas; to the judges, district attorney, clerk and marshal of the United States' court for Indiana; to the members and officers of the present General Assembly; to the library of Congress; to the departments at Washington; to the colleges in this State; to the county libraries, each, one copy; and to each State and territory, three copies. There shall be forwarded to the counties in this State, as follows, to-wit: to the counties of Benton, Blackford, Jasper, Lake, Pulaski, Starke, Tipton, and Brown, each fifty copies; to the counties of Adams, Crawford, Marshall, Martin, Ohio, Porter, Scott, White, Whitley, each seventy-five copies; and to each of the other counties one hundred copies.

SEC. 5. A like number of copies shall be forwarded to the several counties, which shall be deposited in the office of the treasurer of each county, who is hereby authorized to dispose of them at the price of one dollar per copy.

The residue of such copies, shall be deposited in the State Library for safe keeping of which the Treasurer of State is hereby authorized to sell the same, not exceeding one thousand five hundred copies at said price: *Provided*, That not more than one copy shall be sold to one person.

SEC. 6. The treasurer of the county shall upon delivery to him, receipt for the said copies, and the treasurer of the county and Treasurer of the State shall keep account of and annually pay into the State Treasury the amounts received from sale of the Revised Statutes and code of practice.

SEC. 7. The following officers in each county shall be entitled each to a copy of said statutes, to-wit: clerk of circuit court, sheriff, Recorder, treasurer, auditor, commissioners, surveyor, justices of the peace, trustees of township, and assessor, or assessors.

SEC. 8. Every person entitled to a copy of said statutes, and who has received the same, (except members, and officers of the present General Assembly,) shall deliver over the same to his successor in office, and it shall remain the property of the State; and

if any person aforesaid shall refuse on demand to do so, he shall forfeit and pay any sum not less than five nor more than fifteen dollars, to be recovered in an action in the name of the State of Indiana, before any justice of the peace for the use of common schools.

SEC. —. The clerks of the circuit court shall carefully retain in their offices such surplus copies of said statutes as may remain after the proper distribution is made under this act; and if there shall not be a sufficient number of copies in his office for distribution as herein provided, an additional number for the purpose shall be forwarded by the Treasurer of State, upon the order of said clerk.

SEC. 9. In binding the revised code, and code of practice, one thousand copies of each shall be bound with every fourth leaf blank, of substantial, close-ruled, writing paper, of which, in the distribution herein provided, the clerk of the circuit court in each county, the judges of the circuit court, and court of common pleas, the members of the present General Assembly, and the officers of State, shall be entitled each to one copy.

SEC. 10. The State Printer is hereby directed, when he prints the act in relation to common schools, and the act in relation to public roads and highways, to strike off, at the cost of press-work only, ten thousand additional copies of said acts, which the Secretary of State shall cause to be stitched in pamphlet form, and forward in proper proportions to the several county auditors, for the use of school townships and road districts in the respective counties.

SEC. 11. That such general acts passed at the present session, as in the opinion of the committee, should not be embraced in the revised code, shall be printed and bound with the local and special acts in one volume, and shall be distributed in the manner, and at the time now provided by law for the distribution of the general laws, and at as early a day as practicable.

SEC. 12. The code of practice shall be distributed as follows: To each person named in the fourth section of this act, one copy; to the library of Congress, Departments at Washington, colleges in this State, county libraries, each one copy; and to each State and Territory three copies. There shall be forwarded to the clerk of the circuit court in each county in this State, twelve copies, of which each county officer shall be entitled to one copy. There shall also be forwarded to the several counties, in the proportions named in the fourth section of this act, copies of the code, to be deposited in the office of the county treasurer, who is hereby authorized to sell the same at fifty cents per copy. The residue of such copies shall be deposited in the State library, which the State Treasurer is authorized to sell at said price, as provided for the sale of the revised code; but not more than one copy shall be sold to one person.

SEC. 13. The persons entitled to receive copies of the code, and who have received them under the distribution herein provided, except members and officers of the present General Assembly, shall be

required to deliver over the same to their successors in office, and be subject to the liability and penalty prescribed in the eighth section.

Mr. King moved to amend the amendment as follows:

Strike out sections 2 and and 3, and insert in lieu thereof:

It shall be the duty of the Secretary of State to superintend the publication of the laws of this session; the Revised Statutes, and the Code of Practice in Civil and Criminal Actions, and for that purpose he shall compare the proof sheets thereof with the enrolled bills, prepare marginal notes to the statutes, arrange the statutes passed at this session, disposing in separate volumes the local laws, the Code of Practice in Civil and Criminal Actions, and the Revised Laws, and prepare a full and copious index to each volume, and for such services he shall be allowed the sum of three hundred dollars.

In section 11, strike out the word "committee," and insert "Secretary of State."

And the question being put,

The ayes and noes were demanded by Messrs. King and Stanfield.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Dice, Dobson, Donaldson, Donham, Donnohue, Douthit, Geddes, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Helmer, Hicks, Holman, Howell, Huey, Humphreys, Hunt, King, Lavery, Lawrence, Leviston, Lindsay of Howard, Mayfield, McConnell, Miller, Nelson, Porter, Price, Sale, Schoonover, Scudder, Shanklin, Smith of Spencer, Stanfield, Stevens, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams, Wilson, and Withers—64.

Those who voted in the negative were,

Messrs. Barker, Beeson, Davis of Sullivan, Eccles, Gibson, Hays of White, Henry, Holladay, Huffstetter, Lindsey of Fayette, Major, Manson, McDonald, McDowell, Mudgett, Ray, Reynolds, Smith of Marion, Staton, Stover, Torbet, and Mr. Speaker—23.

So the amendment to the amendment was agreed to.

The amendment, as amended, was then agreed to.

The second amendment was then agreed to.

The bill was then ordered to be engrossed.

On motion by Mr. Brady,

The bill was considered as engrossed and read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Chowning, Cockrum, Crawford, Cromwell, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Donnohue, Douthit, Eccles, Geddes, Gookins, Goudy, Gunn, Hanna, Hart, Hay of Clark, Helmer, Henry, Hicks, Holladay, Holman, Howell, Huey, Huffstetter, Humphreys, Hunt, King, Lavery, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Manson, Mayfield, McAllister, McConnell, McDowell, Miller, Nelson, Porter, Price, Ray, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—79.

Those who voted in the negative were,

Messrs. Graham and McDonald—2.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

No. 309. A bill making general appropriations for the year 1852; Was read a second time and considered as in committee of the whole, and reported to the House without amendment.

On motion by Mr. Brady,

The bill was laid on the table.

Senate bill No. 183, a bill to repeal an act entitled an act to incorporate the city of Indianapolis;

Was read a second time and considered as in committee of the whole and reported to the House without amendment.

Mr. King moved to amend the bill as follows:

After section I insert the following—

SEC. —. But the city council now in office shall have power, by a vote of three fourths of its members, to adopt any general law of this state for the incorporation of cities, and if it shall adopt, by vote as aforesaid, such general law, said city of Indianapolis shall be deemed an incorporated city, and all ordinances, by-laws or regulations of said city now in force and not in conflict with any of the provisions of said general law, shall be continued in force as if this act had not been passed; and all officers of said city now in office, shall continue in such offices, with the powers, duties and liabilities imposed by such general law upon such officers.

SEC. —. If the common council shall adopt such general law, all rights and liabilities of the said city, now existing, and of whatso-

ever kind, shall continue and exist in full force as if this act had not been adopted.

Amend section 2 by adding at the beginning of said section the following words: "in case said common council shall not adopt such general law, and."

Amend section 3 by adding to the beginning of the section the following: "in case of the organization of the city hereafter by the citizens thereof under said general law."

Amend section 4 by adding at the beginning of the section the following: "in case the common council shall not adopt said general law."

In section 5 add, after the words "from and after" the words "its publication for three weeks in the Indiana Statesman."

Mr. Nelson moved to indefinitely postpone the whole subject;

And the question being put,

The ayes and noes were demanded by Messrs. Henry and McConnell.

Those who voted in the affirmative were,

Messrs. Beach, Brady, Bryant, Bulla, Carpenter, Cockrum, Cowgill, Davis of Franklin, Dice, Donaldson, Donham, Donnohue, Douthit, Eccles, Geddes, Gookins, Goudy, Graham, Gunn, Hay of Clark, Helmer, Henry, Hicks, Holladay, Holman, Howell, Hunt, King, Laverty, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, McCounell, Mudget, Nelson, Price, Sale, Scudder, Shanklin, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Sumner, Sweet, Thompson, Walker, Watson, Wells, and Williams—54.

Those who voted in the negative were,

Messrs. Barker, Beeson, Behm, Buskirk, Chowning, Crawford, Cromwell, Davis of Sullivan, Dobson, Hanna, Hart, Huffstetter, Humphreys, Major, Manson, Mayfield, McAllister, McDonald, McDowell, Miller, Porter, Ray, Reynolds, Schoonover, Smith of Marion, Stuart, Suit, Taggart, Torbet, Wilson, Withers, and Mr. Speaker—32.

So the bill was indefinitely postponed.

On motion by Mr. Buskirk,

House bill No. 309, a bill making general appropriations for the year 1852, was taken from the table.

Mr. Buskirk, chairman of the committee on Ways and Means, reported an amendment embracing three additional sections, from 2 to 4, inclusive, making appropriations for the support of the Institution for the Education of the Blind, the Hospital for the Insane, and for the Education of the Deaf and Dumb.

Which was agreed to.

The bill was then ordered to be engrossed.

Senate bill No. 180, general provisions in relation to railroad companies;

Was read a third time.

Mr. McDowell moved to lay the bill on the table;

Which was disagreed to.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cowgill, Cromwell, Davis of Sullivan, Donaldson, Donham, Eccles, Geddes, Gookins, Goudy, Hanna, Helmer, Henry, Hicks, Holladay, Huey, Hunt, King, Lavery, Law-Leviston, Lindsay of Howard, Major, McAllister, McDonald, Nelson, Price, Sale, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Struble, Stuart, Suit, Sumner, Walker, Watson, and Wilson—52.

Those who voted in the negative were,

Messrs. Dice, Dobson, Douthit, Gibson, Gunn, Hart, Hay of Clark, Hays of White, Holman, Huffstetter, Manson, Mayfield, McConnell, McDowell, Ray, Reynolds, Schoonover, Sweet, Taggart, Torbet, Wells, Williams, Withers, and Mr. Speaker—24.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

On motion by Mr. Cowgill,

The vote by which House bill No. 308 was lost on its passage, to-day was reconsidered.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beane, Beeson, Brady, Bryant, Buskirk, Chowning, Cowgill, Dobson, Donaldson, Donham, Douthit, Geddes, Gookins, Hanna, Henry, Holman, Howell, Huffstetter, Humphreys, Hunt, Lavery, Leviston, Manson, McAllister, McConnell, McDonald, McDowell, Mudget, Nelson, Price, Ray, Reynolds, Sale, Schoonover, Smith of Marion, Smith of Spencer, Stover, Struble, Stuart, Torbet, Wells, and Mr. Speaker—43.

Those who voted in the negative were,

Messrs. Behm, Bulla, Carpenter, Cockrum, Crawford, Davis of Sullivan, Dice, Goudy, Graham, Gunn, Hart, Hay of Clark, Hays of White, Helmer, Hicks, Huey, King, Lawrence, Lindsey of Fayette, Linsday of Howard, Major, Mayfield, Miller, Porter, Shanklin, Stanfield, Staton, Suit, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Williams, Wilson, and Withers—37.

So the bill did not pass.

Senate bill No. 140, A bill providing for the election, prescribing the duties and fixing the compensation of State Agent ;

Was read a third time.

Mr. Behm moved to recommit the bill, with instructions to reduce the compensation of State Agent to \$1,500.

Mr. Gibson called the previous question ;

Which was seconded by the House.

The question being put on ordering the main question,

The ayes and noes were demanded by Messrs. Behm and Graham.

Those who voted in the affirmative were,

Messrs. Barker, Beane, Beeson, Brady, Buskirk, Chowning, Crawford, Davis of Sullivan, Dice, Donham, Douthit, Geddes, Gibson, Hanna, Hart, Hays of White, Helmer, Henry, Holman, Howell, Huey, Huffstetter, Humphreys, Lavery, Leviston, Lindsey of Fayette, Major, McAllister, McConnell, McDowell, Miller, Nelson, Ray, Reynolds, Schoonover, Smith of Marion, Stover, Struble, Stuart, Sweet, Taggart, Wells, Wilson and Mr. Speaker—44.

Those who voted in the negative were,

Messrs. Behm, Bryant, Bulla, Carpenter, Cockrum, Cowgill, Cromwell, Dobson, Eccles, Goudy, Graham, Gunn, Hay of Clark, Hicks, Holladay, Hunt, King, Lawrence, Linsday of Howard, Mayfield, McDonald, Price, Sale, Scudder, Shanklin, Smith of Spencer, Stanfield, Suit, Sumner, Thompson, Walker, Watson, Williams, and Withers—34.

So the main question was ordered.

The main question being, shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Barker, Beane, Beeson, Brady, Bryant, Buskirk, Chowning, Crawford, Dobson, Gibson, Hanna, Hart, Hays of White, Henry,

Holman, Howell, Huey, Huffstetter, Humphreys, Lavery, Leviston, Lindsey of Fayette, Manson, McConnell, McDowell, Miller, Mudgett, Nelson, Ray, Reynolds, Schoonover, Smith of Marion, Stover, Struble, Stuart, Sweet, Taggart, Wells, Wilson, and Mr. Speaker—40.

Those who voted in the negative were,

Messrs. Behm, Bulla, Carpenter, Cockrum, Cowgill, Cromwell, Dice, Donaldson, Donham, Donnohue, Douthit, Eccles, Geddes, Goudy, Graham, Gunn, Hay of Clark, Helmer, Hicks, Holladay, Hunt, King, Lawrence, Lindsay of Howard, Major, Mayfield, McDonald, Price, Sale, Scudder, Shanklin, Smith of Spencer, Stanfield, Suit, Sumner, Thompson, Walker, Watson, Williams and Withers—40.

So the bill did not pass.

A message from the Senate, by Mr. Dunn, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House :

No. 292. An act to repeal sections five and six of an act entitled "an act to establish a free turnpike road in Jay county," &c.

With sundry amendments of the Senate thereto ;

In which the concurrence of the House is respectfully requested.

The amendments of the Senate were concurred in.

Ordered that the Clerk inform the Senate thereof.

A message from the Senate, by Mr. Dunn, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate refuses to concur in the engrossed amendments of the House to engrossed bill of the Senate No. 129, "a bill providing for the election, and prescribing certain duties of county surveyors."

In which the concurrence of the House is respectfully requested.

Mr. Gibson moved that the House recede from its amendment ;
Which was disagreed to.

The question then recurred on the House insisting on its amendment ;

And being put,

The ayes and noes were demanded by Messrs. Gibson and Stover.

Those who voted in the affirmative were,

Messrs. Beane, Brady, Bryant, Bulla, Carpenter, Cockrum, Cowgill, Cromwell, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Donnohue, Douthit, Eccles, Foster, Geddes, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Hays of White, Henry, Hicks, Holladay, Holman, Huey, Humphreys, Lavery, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, McAllister, McConnell, Miller, Mudgett, Nelson, Porter, Price, Ray, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Struble, Sumner, Taggart, Thompson, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker.

Those who voted in the negative were,

Messrs. Barker, Beeson, Chowning, Crawford, Davis of Franklin, Gibson, Hay of Clark, Helmer, Howell, Hunt, King, Mayfield, McDonald, McDowell, Reynolds, Stover, Stuart, Suit, and Sweet—19.

So the House insisted on its amendment to bill of the Senate No. 129.

On motion by Mr. Douthit,

A committee of Free Conference was ordered ;

Messrs. Douthit and Leviston were appointed said committee.

Ordered, that the clerk inform the Senate thereof.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has receded from its 3d engrossed amendment to engrossed bill of the House No 102, a bill regulating the licensing of pilots at the falls of the Ohio &c., and have concurred in the engrossed amendments of the House to engrossed amendments of the Senate, and insist upon their 2d engrossed amendment thereto.

In which the concurrence of the House is respectfully requested.

On motion by Mr. Gibson,

The House receded from its disagreement to the amendment of the Senate.

Ordered, that the Clerk inform the Senate thereof.

Mr. Donaldson moved to take from the table House bill No. 307. Which was disagreed to.

A message from the Senate by Mr. Dunn their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House:

No. 104. An act to regulate the mileage of sheriffs in conveying convicts to the State Prison and of county treasurers in making deposits, and in their settlement with the Treasurer and Auditor of State and the mileage of members of the General Assembly; with sundry engrossed amendments of the Senate thereto.

In which the concurrence of the House is respectfully requested.

Mr. Gookins moved to amend the amendment of the Senate as follows:

Vigo 183 miles to Jeffersonville; Vigo 73 to Indianapolis;
Which was agreed to.

Mr. Spencer moved to amend the Senate amendment:

Distance from Ohio county to Indianapolis 150 miles.

Which was disagreed to.

Mr. Walker moved to amend the Senate amendment as follows:

Amend so as the sheriff of Perry county shall be allowed for 100 miles to the Penitentiary, and that the Treasurer of said county be allowed for 235 miles as mileage to Indianapolis.

Which was disagreed to.

On motion by Mr. Manson,

The House refused to concur in the amendments of the Senate.

Ordered that the Clerk inform the Senate thereof.

A message from the Senate by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill thereof:

No. 197. A bill relative to probate courts.

In which the concurrence of the House is respectfully requested.

The bill was read a first time and passed to a second reading.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill thereof:

No. 195. A bill to provide that purchasers of real estate forfeited to the sinking fund, who are the legal owners, but who have purchased the State's interest for a sum greater than that due the State and interest thereon, &c.

In which the concurrence of the House is respectfully requested.

The bill was read the first time and passed to a second reading.

A message from the Senate by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill thereof:

No. 191. A bill to quiet the title to lands granted for the purpose of county seats, and to legalize the sales of any such lands or any part thereof.

In which the concurrence of the House is respectfully requested.

The bill was read a first time and passed to a second reading.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed joint resolution thereof:

No. 192. A joint resolution to provide for the suspension of certain acts therein named.

In which the concurrence of the House is respectfully requested.

The joint resolution was read a first time and passed to a second reading.

A message from the Senate by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed joint resolution thereof:

No. 113. A joint resolution in relation to settlement with the State Printer.

In which the concurrence of the House is respectfully requested.

The joint resolution was read a first time and passed to a second reading.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill thereof:

No. 167. A bill concerning licenses to vend foreign merchan-

dize, to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show and legerdemain.

In which the concurrence of the House is respectfully requested.
The bill was read a first time and passed to a second reading.

By unanimous consent of the House,

Mr. Gibson obtained leave and offered the following resolution:

Resolved, The Senate concurring, that the joint resolution fixing the 15th inst. as the day of adjournment is hereby rescinded; and that the General Assembly adjourn *sine die* on the 21st inst.

And the question being put on its adoption,

The ayes and noes were demanded by Messrs. Davis of Sullivan and Behm.

Those who voted in the affirmative were,

Messrs. Barker, Beane, Behm, Brady, Bryant, Chowning, Crawford, Dobson, Donnohue, Douthit, Eccles, Geddes, Gibson, Gookins, Goudy, Hanna, Hart, Hay of Clark, Henry, Hicks, Holladay, Holman, Howell, Huey, Humphreys, King, Lavery, Lawrence, Lindsay of Howard, Major, Manson, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Mudgett, Porter, Price, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Spencer, Stover, Stuart, Suit, Taggart, Watson, Williams, Wilson, and Withers—54.

Those who voted in the negative were,

Messrs. Beeson, Bulla, Carpenter, Cockrum, Cowgill, Davis of Franklin, Davis of Sullivan, Dice, Foster, Graham, Gunn, Hays of White, Helmer, Huffstetter, Hunt, Leviston, Lindsey of Fayette, Nelson, Ray, Reynolds, Smith of Spencer, Stanfield, Staton, Stevens, Struble, Sunner, Thompson, Walker, Wells, and Mr. Speaker—30.

So the resolution was agreed to.

Ordered that the clerk inform the Senate thereof.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill thereof:

No. 179, a bill districting the State for judicial circuits;

In which the concurrence of the House is respectfully requested.

The bill was read a first time and passed to a second reading.

A message from the Senate by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the report of the committee of Free Conference to whom was referred the disagreement of the two Houses upon engrossed bill of the Senate No. 153, "a bill providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, &c."

Mr. Williams obtained leave and made the following report:

MR. SPEAKER:

The committee of Free Conference, to whom was referred the disagreement of the Houses to the House amendments to Senate bill No. 153, have had that subject under consideration, and have directed me to report that they have agreed to recommend that the Senate concur in the 1st, 2d, 3d, 4th, 8th, 9th, 11th, 12th, 15th, 17th, 19th, 21st, 22d, 23d, 25th, 26th, 27th, 28th, and 29th amendments of the House, and that the Senate also concur in the 10th, 13th, 14th, 16th, and 24th amendments, with the accompanying amendments thereto; they also recommend that the House recede from the 5th, 6th, 7th, 18th and 20th amendments thereof; and they ask to be discharged from the further consideration thereof:

Strike out 10th amendment of the House and add to the end of section 76 in original bill the following:

Notice of the filing of such petition being given to the executor or administrator ten days before the time at which said petition stands for hearing.

And in the 13th amendment strike out all after the word "notice" and insert these words "terms thereof."

Modify the 16th amendment by striking out all after the 6th specification to the 19th line of section 106 and insert in lieu, "the court in its discretion may order the administrator or executor to pay the money in his hands into court and the same to be paid out on such claims by the clerk, or it may direct such administrator or executor to pay it out directly."

Concur in the 24th amendment with this amendment, strike out of the 3d line of the original section the words "an affidavit" and insert in lieu thereof "a petition."

Modify the 14th amendment by adding at the end the following:

And whenever the amount of money so reported exceeds fifty dollars, the court shall order it to be paid into court, unless the executor or administrator shall show by proper vouchers that he has

paid it out upon valid claims against the estate, allowed by the court, or upon such preferred claims as he is peremptorily bound to pay off without the same being allowed by court.

Which was concurred in.

Ordered, that the clerk inform the Senate thereof.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill thereof: No. 105. An act regulating the vending of spirituous liquors. In which the concurrence of the House is respectfully requested. The bill was read a first time and passed to a second reading.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House: No. 94. An act to constitute a council to be composed of officers of State, without whose consent the Governor shall not have power to grant pardons, and to regulate the granting of such pardons, and the remission of fines and forfeitures.

With sundry engrossed amendments of the Senate thereto.

In which the concurrence of the House is respectfully requested.

On motion by Mr. Gibson,

The bill and amendments contained in the foregoing message were referred to a select committee of three.

Messrs. Gibson, Holman and Gookins were appointed said committee.

Mr. Cowgill moved to take House bill No. 307 from the table;

Which was disagreed to.

Mr. King moved to take House bill No. —, a bill relative to foreign insurance companies, from the table;

Which was disagreed to.

Mr. Miller moved the House adjourn.

Which was disagreed to.

House bill No. 289, a bill regulating warehouses, the keepers thereof, and for the protection of persons depositing produce, goods, wares and merchandize therein;

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beane, Beeson, Behm, Brady, Bulla, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Davis of Franklin, Dice, Donham, Douthit, Foster, Gibson, Graham, Gunn, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holman, Howell, Huey, Humphreys, Hunt, King, Lavery, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Manson, Mayfield, McDonald, McDowell, Price, Ray, Reynolds, Sale, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Stover, Suit, Sumner, Taggart, Thompson, Walker, Watson, Wells, Wilson, and Mr. Speaker—61.

Those who voted in the negative were,

Messrs. Bryant, Dobson, Donaldson, Eccles, Geddes, Gookins, Holladay, Miller, Mudget, Nelson, Staton, Struble, and Stuart—13.

So the bill passed.

On motion by Mr. McDonald,

The title of the bill was amended by adding:

“And to provide for the punishment and violations of the provisions thereof.”

Ordered that the Clerk inform the Senate of the passage of the bill.

Mr. Davis of Franklin moved the House adjourn.

Which was disagreed to.

Mr. Cockrum moved to take from the table House bill No. 274;

Which was disagreed to.

By unanimous consent of the House,

Mr. Gibson obtained leave and made the following report:

MR. SPEAKER:

The select committee to whom was referred House bill No. 94, recommend that the House concur with the following amendment:

Add the words “or shall furnish satisfactory evidence to the Governor that such officers have refused to give such opinion when requested.”

Amend the title by striking out all after the word “act,” and insert “to regulate the remission of fines and forfeitures.”

The amendments were concurred in.

The Senate amendments were then concurred in with the amendment.

Ordered, that the clerk inform the Senate thereof.

On motion by Mr. Manson,
House bill No. 294, a bill in relation to navigable water courses,
and the enjoyment thereof,
Was taken from the table.

On motion by Mr. Cockrum,
The bill was referred to a select committee of three.
Messrs. Cockrum, Hart and Graham were appointed said committee.

On motion by Mr. Price,
Senate bill No. 186, a bill providing for the organization of county boards, and prescribing some of their powers and duties, was taken up.

Mr. Bryant submitted the following amendment:

Amend section 6: strike out the word "preceding" at the end of the section, and insert the words "succeeding the term of such court."

Which was agreed to.

The bill was then ordered to a third reading.

Senate joint resolution No. 189, a joint resolution inviting and welcoming Thomas Francis Meagher to the hospitalities of the citizens of Indiana;

Was read a second time;

Mr. Taggart moved to amend the joint resolution by striking out the word "bloody ;"

Which was disagreed to.

The joint resolution was ordered to a third reading.

Mr. Reynolds moved that the House adjourn;

Which was disagreed to.

No. 33. A joint resolution on the subject of bridges over navigable rivers;

Was read a second time and ordered to be engrossed.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the report of the committee of Free Conference, to whom was referred the disagreement of the two Houses upon engrossed bill of the Senate, No. 174, "an act to revise, simplify and abridge the rules, practice pleadings and forms in criminal actions in the courts of this State."

A message from the Senate, by Mr. Dunn, their secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the engrossed amendments of the House to the engrossed amendments of the Senate to engrossed bill of the House No. 48, "an act to provide for the sale of county seminaries and the property belonging thereto, and to transfer the proceeds thereof to the common school fund."

A message from the Senate by Mr. Dunn their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bills of the House:

No. 191, an act to amend the third section of an act entitled "an act to incorporate the White River Navigation Company, &c.;"

No. 277, an act to authorize the State Printer to print, bind and publish one thousand copies of the laws passed by the present General Assembly in the German language;

Without amendment.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the 1st, 2d, 5th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 15th, 17th, 18th, 19th, 20th, 24th, 27th, 28th, 29th, 30th, 32d, 33d and 34th engrossed amendments of the House to engrossed bill of the Senate No. 176, "an act for the incorporation of cities," and have concurred in the 4th, 6th, 14th and 16th amendments with engrossed amendments of the Senate thereto, and have refused to concur in the 3d, 25th, 26th, 31st and 35th amendments of the House thereto.

Mr. Laverty, from the joint committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The joint committee on Enrolled Bills have this day presented to the Governor for his approval enrolled bill of the House numbered 290.

Mr. Smith of Marion, chairman of the committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The committee on Enrolled Bills have compared the following enrolled with the engrossed bill of the House of the corresponding number, and report the same to the House correctly enrolled.

No. 290, an act touching the qualifications of officers of municipal incorporations, and also the qualifications of electors at municipal elections, and repealing all laws inconsistent with this act.

Whereupon the Speaker signed the same.

Ordered that the clerk inform the Senate thereof.

A message from the Governor by Mr. King executive messenger:

MR. SPEAKER:

I am directed by the Governor to inform the House that he has approved and signed the following bills, to-wit:

No. 14, an act for the subscription to and preservation of the public newspapers printed in the several counties of this State.

No. 95, an act to provide for the enlargement of the Indiana Hospital for the Insane.

No. 170, an act for the regulation of weights and measures.

No. 213, an act touching official bonds and oaths.

No. 260, an act providing for the appointment of notaries public, and defining their powers and duties.

No. 278, an act to extend the time of complying with the provisions of an act entitled "an act for the relief of the persons therein named," approved January 26, 1847.

No. 279, an act to require certain officers to execute further official bonds and to take an additional oath of office.

No. 286, an act to encourage the destruction of wolves.

No. 80, an act for the relief of the poor.

No. 261, an act touching the relation of guardian and ward.

No. 199, an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases.

Which bills originated in the House of Representatives.

On motion by Mr. Holman,
The House adjourned.

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FRIDAY MORNING, 7½ o'clock, }
June 11th, 1852. }

The House met.

The Clerk proceeded to read the journal;
When,

On motion by Mr. Stanfield,
The further reading thereof was dispensed with.

PETITIONS AND REMONSTRANCES PRESENTED.

By Mr. Smith of Marion;

The petition of 137 citizens of Indianapolis praying the repeal of the city charter;

Which,

On motion,

Was referred to the same select committee heretofore appointed on that subject.

By Mr. Hanna;

The petition of sundry citizens of this State praying the passage of a law taxing persons engaged in peddling stoves in the several counties of this State.

Which,

On motion,

Was referred to the committee on Ways and Means.

By Mr. Stuart;

The petition of sundry citizens of this State praying the passage of a law taxing persons engaged in peddling stoves in the several counties of this State.

Which,

On motion,

Was referred to the committee on Ways and Means.

REPORTS FROM COMMITTEES.

Mr. Holman chairman of the judiciary committee made the following report:

MR. SPEAKER:

The Judiciary committee to whom was referred House bill No.

234, have directed me to report the same back to the House without recommendation, and ask to be discharged from the further consideration of the subject.

On motion by Mr. Stanfield,
The bill contained in the foregoing report was laid on the table.

ORDERS OF THE DAY.

Senate bill No. 143, a bill for the incorporation of insurance companies, defining their powers and prescribing their duties, and in relation to foreign insurance companies and their agents.

Was read a third time.

Mr. Behm moved to recommit the bill with instructions to strike out all in relation to mutual insurance companies;

Which was disagreed to.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beeson, Brady, Bryant, Buskirk, Chowning, Cowgill, Crawford, Davis of Franklin, Donaldson, Donham, Doughty, Douthit, Foster, Gibson, Gookins, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Huey, Hunt, Lindsey of Fayette, Lindsay of Howard, McAllister, Ray, Sale, Scudder, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Suit, Taggart, Watson, Wells, Wilson, Withers, and Mr. Speaker—47.

Those who voted in the negative were,

Messrs. Beane, Behm, Carpenter, Cockrum, Cromwell, Dice, Donohue, Eccles, Geddes, Goudy, Hicks, Holladay, Huffstetter, Humphreys, Laverty, Lawrence, Leviston, Major, Mayfield, McConnell, McDonald, McDowell, Miller, Nelson, Price, Reynolds, Schoonover, Shanklin, Sweet, Thompson, Torbet, Walker, and Williams—33.

So the bill did not pass.

By unanimous consent of the House,

Mr. Lindsay of Howard obtained leave and offered the following resolution:

Resolved, That the Principal and Assistant Clerks of the House report at its meeting to-morrow morning, the names of their assistants, together with the number of days each has served; and also that the Door-keeper report the names of his assistants, as also the number of days each has served; and that the committee on

Revision report at the same time the number of clerks by them employed, and their names and the number of days each served.

Which was agreed to.

On motion by Mr. Behm,

House bill No. 303,

Was taken from the table and placed upon the files of the House.

On motion by Mr. Gibson,

Leave of absence was granted Mr. Mudgett.

No. 309. A bill making general appropriations for the year 1852.
Was read a third time.

On motion by Mr. Gibson,

The bill was laid on the table.

House bill No. 248, a bill in relation to the construction of statutes and the definition of terms therein :

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Donnohue, Doughty, Douthit, Eccles, Foster, Geddes, Gookins, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holman, Howell, Huffstetter, Humphreys, Hunt, Lavery, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Manson, Mayfield, McAllister, McDowell, Nelson, Porter, Price, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Stevens, Stover, Struble, Stuart, Suit, Sweet, Taggart, Thompson, Torbet, Watson, Wells, Williams, Wilson, and Mr. Speaker—74.

Those who voted in the negative were,

Messrs. Holladay, Ray, Staton, and Mr. Speaker—4.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

House joint resolution No. 33. A joint resolution on the subject of bridges over navigable rivers :

Was read a third time.

The question being shall the joint resolution pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Buskirk, Carpenter, Chowning, Cockrum, Crawford, Cromwell, Davis of Franklin, Davis of Sullivan, Dobson, Donaldson, Donham, Donnohue, Doughty, Eccles, Foster, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Hays of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Howell, Huey, Humphreys, Hunt, King, Laverty, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Manson, Mayfield, McAllister, McDonald, McDowell, Nelson, Porter, Price, Ray, Reynolds, Sale, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Torbet, Walker, Watson, Williams, Wilson, and Withers—75.

Those who voted in the negative were,

Messrs. Cowgill, Dice, Douthit, Geddes, Huffstetter, Major, Miller, Schoonover, Thompson, Wells, and Mr. Speaker—11.

So the joint resolution passed.

Ordered that the Clerk inform the Senate thereof.

By unanimous consent of the House,

Mr. Gookins obtained leave and introduced

No. 314. A bill supplementary to an act entitled an act for the incorporation of cities;

Which was read a first time and passed to a second reading.

House bill No. 306, a bill to empower the circuit judges to fix the time of holding circuit courts in their respective counties;

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Bryant, Buskirk, Carpenter, Chowning, Cowgill, Crawford, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Donaldson, Donnohue, Doughty, Douthit, Eccles, Geddes, Gibson, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Hays of White, Helmer, Henry, Holman, Howell, Huey, Huffstetter, Humphreys, Hunt, Lawrence, Leviston, Lindsey of Fayette, Major, Manson, Mayfield, McAllister, McDonald, Miller, Nelson, Price, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stan-

field, Staton, Stover, Struble, Stuart, Suit, Sweet, Taggart, Torbet, Walker, Watson, Williams, Wilson, and Withers—66.

Those who voted in the negative were,

Messrs. Cockrum, Dobson, Donham, Foster, Hay of Clark, Hicks, King, Lavery, Lindsay of Howard, McDowell, Porter, Ray, Reynolds, Sale, Schoonover, Stevens, Sumner, Thompson, Wells, and Mr. Speaker—20.

So the bill passed.

Ordered, that the Clerk inform the Senate thereof.

No. 307. A bill to divide the State into judicial circuits ;

Read a third time.

Mr. Dobson moved to recommit the bill to a select committee with the following instructions ;

Add Hendricks county to the fifth district and Monroe county to the fourth.

Mr. Holman moved to amend the instructions by adding the county of Starke to some judicial circuit ;

Which was disagreed to.

Mr. Sumner moved to amend the instructions by adding Starke county to the 10th judicial circuit ;

Which was agreed to.

Mr. Hicks moved to amend the instructions by striking from the 1st district "Dearborn" and adding "Bartholomew ;"

Which was disagreed to.

Mr. McAllister moved to amend the instructions by adding Madison to the 6th district.

Which was disagreed to.

The bill was then recommitted with the instructions.

Messrs. Dobson, Holman and Bryant were appointed said committee.

Senate joint resolution No. 189, a joint resolution inviting and welcoming Thomas Francis Meagher to the hospitalities of the citizens of Indiana ;

Was read a third time.

The question being, shall the joint resolution pass ?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Buskirk, Carpenter, Chowning, Cowgill, Crawford, Cromwell, Davis of Franklin, Dice, Donaldson, Donham, Donnohue, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Graham, Hanna, Hart, Hay of Clark, Hays of White, Henry, Hicks, Holladay, Holman,

Howell, Huey, Huffstetter, Humphreys, Hunt, Lavery, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Manson, Mayfield McAllister, McConnell, McDonald, McDowell, Miller, Nelson, Porter, Price, Ray, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—82.

Those who voted in the negative were,

Messrs. Gunn, Helmer, and Staton—3.

So the joint resolution passed.

Ordered that the Clerk inform the Senate thereof.

Senate bill No. 165, a bill supplemental to an act entitled "an act to provide for the incorporation of rail road companies,"
Was read a third time.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Davis of Franklin, Donaldson, Doughty, Douthit, Eccles, Foster, Gibson, Hanna, Hay of Clark, Hays of White, Henry, Hicks, Holman, Howell, Humphreys, Lavery, Lawrence, Manson, Mayfield, McAllister, Nelson, Porter, Ray, Reynolds, Schoonover, Smith of Marion, Smith of Spencer, Stevens, Stover, Struble, Stuart, Torbet, Walker, Williams, Wilson, and Withers—43.

Those who voted in the negative were,

Messrs. Beane, Beeson, Behm, Cowgill, Crawford, Cromwell, Dice, Donham, Geddes, Goudy, Graham, Helmer, Holladay, Huey, Leviston, Lindsey of Fayette, Lindsay of Howard, McDonald, McDowell, Miller, Price, Scudder, Shanklin, Staton, Suit, Sweet, Taggart, Thompson, Watson, Wells, and Mr. Speaker—31.

So the bill did not pass.

House joint resolution No. 34, a joint resolution to require the Secretary of State to publish certain acts therein named;

Was read a second time and ordered to be engrossed.

House bill No. 313, a bill to suspend the operation of an act en-

titled an act to provide for a general and uniform system of common schools and school libraries, and matters properly connected therewith;

Was read a second time, and considered as in committee of the whole, and reported to the House without amendment.

Mr. Gibson moved to indefinitely postpone the bill;

And the question being put,

The ayes and noes were demanded by Messrs. Suit and Gibson.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Bryant, Chowning, Cowgill, Cromwell, Dice, Donnohue, Donham, Douthit, Geddes, Gibson, Gookins, Goudy, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Howell, Huey, Humphreys, Hunt, Lavery, Lindsay of Howard, Major, Manson, McAllister, McConnell, McDowell, Porter, Ray, Reynolds, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stover, Sumner, Sweet, Taggart, Thompson, Walker, Wells, Williams, Wilson, and Mr. Speaker—51.

Those who voted in the negative were,

Messrs. Barker, Beeson, Brady, Bulla, Buskirk, Carpenter, Cockrum, Crawford, Davis of Franklin, Davis of Sullivan, Dobson, Doughty, Eccles, Foster, Graham, Gunn, Hanna, Holman, Huffstetter, Lawrence, Leviston, Mayfield, McDonald, Miller, Nelson, Price, Schoonover, Stevens, Struble, Suit, Torbet, and Watson—32.

So the bill was indefinitely postponed.

House bill No. 311, a bill supplemental to a bill to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana, &c.;

Was read a second time, and considered as in committee of the whole, and reported to the House without amendment.

Mr. Buskirk moved to amend the bill by adding "real estate."

Which was agreed to.

Mr. Beach moved to lay the bill on the table;

And the question being put;

The ayes and noes were demanded by Messrs. Barker and Buskirk.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Brady, Bryant, Buskirk, Carpenter, Chowning, Cowgill, Davis of Sullivan, Hanna, Howell, Huffstetter, Hunt, Lavery, Lawrence, Manson, McAllister, McConnell, Nelson, Porter, Ray, Reynolds, Sale, Schoonover, Scudder, Smith of Marion, Stover, Struble, Stuart, Sumner, Sweet, Taggart, and Wells—33.

Those who voted in the negative were,

Messrs. Barker, Beeson, Behm, Bulla, Cockrum, Crawford, Davis of Franklin, Dice, Donaldson, Donham, Donnohue, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Goudy, Graham, Gunn, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Huey, Humphreys, King, Leviston, Lindsay of Howard, Major, Mayfield, McDonald, McDowell, Miller, Price, Shanklin, Stanfield, Staton, Stevens, Suit, Thompson, Torbet, Walker, Watson, Williams, Wilson, Withers, and Mr. Speaker—52.

So the bill was not laid on the table.

Mr. Holladay of Parke moved to amend the bill by adding after the word "indebtedness" the words "within this State;"

And the question being put,

The ayes and noes were demanded by Messrs. King and Holladay.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Brady, Bryant, Chowning, Cowgill, Crawford, Davis of Franklin, Dice, Dobson, Donham, Douthit, Eccles, Foster, Gibson, Gookins, Goudy, Gunn, Hay of Clark, Hays of White, Helmer, Henry, Holladay, Howell, Huey, Huffstetter, Humphreys, Lindsey of Fayette, Lindsay of Howard, Manson, McAllister, Miller, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stover, Struble, Stuart, Taggart, Thompson, Walker, Watson, Wilson, Withers, and Mr. Speaker—53.

Those who voted in the negative were,

Messrs. Barker, Behm, Buskirk, Carpenter, Cockrum, Cromwell, Donaldson, Donnohue, Doughty, Geddes, Graham, Hanna, Hunt, King, Laverty, Lawrence, Leviston, Major, Mayfield, McDonald, McDowell, Nelson, Price, Sale, Stevens, Suit, Sumner, Sweet, Torbet, Wells, and Williams—31.

So the amendment was agreed to.

Mr. Manson moved to postpone the further consideration of this bill until the 4th day of July next;

And the question being put;

The ayes and noes were demanded by Messrs. Holladay and Goudy.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Brady, Buskirk, Carpenter, Chowning, Donham, Geddes, Gibson, Hanna, Helmer, Henry, Howell, Huffstet-

ter, Humphreys, King, Lavery, Lawrence, Lindsey of Fayette, Manson, McAllister, Nelson, Porter, Ray, Reynolds, Sale, Smith of Marion, Struble, Stuart, Sweet, Taggart, and Wells—32.

Those who voted in the negative were,

Messrs. Barker, Beeson, Bryant, Cockrum, Crawford, Cromwell, Davis of Franklin, Dice, Dobson, Donaldson, Doughty, Douthit, Eccles, Foster, Gookins, Goudy, Graham, Gunn, Hart, Hay of Clark, Hays of White, Hicks, Holladay, Holman, Huey, Hunt, Leviston, Lindsay of Howard, Major, McDonald, McDowell, Miller, Price, Scudder, Shanklin, Smith of Spencer, Spencer, Stanfield, Staton, Stevens, Stover, Suit, Thompson, Torbet, Walker, Watson, Williams, Wilson, Withers, and Mr. Speaker—50.

So the motion did not prevail.

The bill was then ordered to be engrossed.

On motion by Mr. Stanfield,

Senate bill No. 116, a bill establishing general provisions respecting corporations:

Was taken from the table.

By unanimous consent of the House,

On motion by Mr. Stanfield,

The bill was amended as follows:

Amend section 16, add after the word "shall" in the third line the words "have power to."

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Bryant, Buskirk, Chowning, Cockrum, Cowgill, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Donaldson, Donham, Donnohue, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Hicks, Holladay, Holman, Howell, Huey, Huffstetter, Humphreys, Hunt, Lavery, Leviston, Lindsey of Fayette, McAllister, McDonald, Miller, Nelson, Porter, Price, Ray, Reynolds, Schoonover, Scudder, Shanklin, Spencer, Stanfield, Stevens, Stover, Struble, Stuart, Sumner, Watson, Wells, Wilson, and Mr. Speaker—62.

Those who voted in the negative were,

Messrs. Brady, Crawford, King, Lawrence, Lindsay of Howard,

Major, Manson, McDowell, Smith of Marion, Smith of Spencer, Sweet, Torbet, Williams, and Withers—14.

So the bill passed.

Mr. Holman moved to reconsider the vote just taken;

And the question being put,

The ayes and noes were demanded by Messrs. Holman and McDowell.

Those who voted in the affirmative were,

Messrs. Beach, Beeson, Brady, Chowning, Cromwell, Dice, Dobson, Douthit, Eccles, Foster, Graham, Hart, Hays of White, Henry, Holman, Howell, Humphreys, Hunt, Lindsey of Fayette, Major, McDowell, Porter, Schoonover, Smith of Marion, Smith of Spencer, Spencer, Taggart, Torbet, and Williams—29.

Those who voted in the negative were,

Messrs. Barker, Beane, Behm, Bryant, Carpenter, Cockrum, Cowgill, Donaldson, Donham, Donnohue, Doughty, Geddes, Gibson, Gookins, Goudy, Gunn, Hanna, Hay of Clark, Helmer, Hicks, Holladay, Huey, Huffstetter, King, Lavery, Lawrence, Lindsay of Howard, Mayfield, McDonald, Miller, Nelson, Price, Ray, Reynolds, Sale, Scudder, Shanklin, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Sumner, Sweet, Thompson, Walker, Watson, Wells, Wilson, Withers, and Mr. Speaker—52.

So the vote was not reconsidered.

Ordered that the clerk inform the Senate of the passage of the bill.

Mr. Holman, under the rule, gave notice of a motion for leave to introduce a bill.

The Speaker laid before the House the following communication and report from the Commissioners on Law Reform:

COMMISSIONERS' ROOM, }
 INDIANAPOLIS, June 11th, 1852. }

HON. WM. H. ENGLISH,
Speaker of House of Representatives;

SIR:—Will you please lay before the House over which you have the honor to preside the report herewith submitted.

We have the honor to be,

Very respectfully, yours, &c.,

WALTER MARCH,

G. W. CARR,

LUCIAN BARBOUR,

Commissioners.

*To the Honorable the General Assembly
 of the State of Indiana:*

The Commissioners on Practice and Pleading have the honor to submit herewith their final report:

The Commissioners, considering it to be a part of the duty imposed upon them by the law creating the Commission, and believing it would facilitate the understanding of the Code and aid in introducing uniformity in the practice under it, have prepared some forms of process, affidavit, and undertakings, and also of pleading in civil and criminal actions. They would have preferred presenting the forms along with the Code, had it not been necessary to report the latter as early as possible, in order to be considered and acted upon at the present session of the Legislature.

They have not thought it necessary to incur the expense of printing a large number of forms, as it is believed that those presented will serve sufficiently to illustrate the principles upon which the pleadings and other papers may be drawn. And as one of the leading features of the Code is that parties shall not be bound to use any arbitrary forms of pleading, it is recommended simply to enact that the forms presented may be used, and when used shall be deemed sufficient, leaving parties to select any other forms that they may prefer, provided they contain the substance of what the law required.

Not having had access to the bill defining misdemeanors, only one form of an information is given. As, however, an information does not differ from an indictment except in the commencement, the form given, together with the forms of indictment, it is thought will answer every purpose.

At the close of the report, a form of an indictment for murder,

(taken from a standard work on criminal pleading,) is contrasted with one of the forms proposed in the same case, in order to exhibit the difference in the length of the pleading. On comparison, it is believed that a like difference will be found throughout all the forms in criminal and civil pleading. There may be some alterations required in the forms to meet the amendments that have been made to the Code since it was reported.

Respectfully submitted :

WALTER MARCH,
G. W. CARR,
LUCIAN BARBOUR.

On motion by Mr. Gibson,
The communication and report were laid on the table.

On motion by Mr. Nelson,
House bill No. 247, a bill respecting foreign corporations and their agents in this State;
Was taken from the table and ordered to be engrossed.

Mr. Stover obtained leave and made the following report:

MR. SPEAKER:

The select committee to whom was referred House bill No. 298, "a bill for revenue purposes, and, to establish a sinking fund with commissions of the same, for the redemption of the bonds of the State therein named, and the liquidation of the public debt," have amended the same as instructed, and report the same back and recommend its passage.

Which was concurred in.

By unanimous consent of the House,
The bill was amended by adding in the proper place, "other than original bonds."

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Behm, Brady, Bryant, Buskirk, Chowning, Cockrum, Crawford, Cromwell, Dice, Donaldson, Donham, Donnohue, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Goudy, Gunn, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Howell, Huffstetter, Humphreys, Hunt, King, Lavery, Lawrence, Lindsey of Fayette, Major, Mayfield, McConnell, Miller, Nelson, Price, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Spencer, Staunfield, Staton, Stevens, Stover, Struble, Stuart,

Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams, Withers, and Mr. Speaker—65.

Those who voted in the negative were,

Messrs. Cowgill, Davis of Franklin, Doughty, Hart, Holladay, Holman, Huey, Leviston, Lindsay of Howard, Manson, McDowell, McDonald, Porter, Sale, Smith of Spencer, Torbet and Wilson—17.

So the bill passed.

On motion by Mr. Stover,

The title of the bill was amended by substituting the following:

A bill in relation to applying certain funds therein named to the payment of the public debt.

Ordered that the clerk inform the Senate of the passage of the bill.

On motion by Mr. King,

The vote on ordering House bill No. 247, "a bill relative to foreign insurance companies," &c., to be engrossed, was reconsidered.

On motion by Mr. King,

The bill was amended as follows:

Amend section 5th by inserting after the words "corporation for" the words "a special or temporary purpose or for."

Strike out section 4, and insert in place of it the following:

Such foreign corporations shall not enforce in any courts of this State, any contracts made by their agents, or by persons assuming to act as their agents, before a compliance by such agents, or persons acting as such, with the provisions of sections one and two of this act.

The bill was then ordered to be engrossed.

Mr. Holman obtained leave and made the following report:

MR. SPEAKER:

The Judiciary committee, to which was referred House bill No. 73, have had the same under consideration, and have directed me to report the same back with amendments, and as amended, recommend its passage.

Strike out from the enacting clause and insert:

"That it shall be lawful for the sheriff of any county, or clerk of any court of this State, or any deputy of any such officer, to engage in the practice of law in the county where he may be acting as such officer or deputy, by the prosecution or defence of any suit or proceeding in any court of justice thereof, for any fee or reward, while holding any such office or appointment, or acting as such deputy."

The amendment was agreed to, and the bill ordered to be engrossed.

On motion by Mr. Gibson,
The bill was considered as engrossed and read a third time.
The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beane, Beeson, Brady, Bulla, Buskirk, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Davis of Franklin, Dobson, Donaldson, Donham, Donnohue, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Goudy, Gunn, Hanna, Hart, Hay of Clark, Helmer, Hicks, Holladay, Holman, Howell, Huey, Huffstetter, Humphreys, King, Laverty, Leviston, Lindsey of Fayette, Manson, McConnell, McDonald, Miller, Nelson, Porter, Ray, Sale, Schoonover, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Staton, Stevens, Stover, Stuart, Sweet, Taggart, Thompson, Walker, Wells, Wilson, and Mr. Speaker—64.

Those who voted in the negative were,

Messrs. Dice, Graham, Hays of White, Henry, Hunt, Lawrence, Lindsay of Howard, Major, McDowell, Reynolds, Scudder, Shanklin, Struble, Sumner, Williams, and Withers—16.

So the bill passed.

On motion by Mr. Holman,
The title was amended by substituting the following:
A bill to prohibit clerks and sheriffs and their deputies from practising law.
Ordered, that the Clerk inform the Senate thereof.

On motion by Mr. Miller,
Hou e bill No. 181, a bill for the relief of purchasers or owners of certain tracts or lots of land denominated Michigan road lands;
Was taken from the table, and ordered to be engrossed.

On motion by Mr. Davis of Franklin,
The following message from the Senate was taken up.

A message from the Senate by Mr. Dunn their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House;

No. 165. An act for the repeal of "an act limiting the fees of the auditor in the county of Marshall;"

With sundry engrossed amendments of the Senate thereto.

In which the concurrence of the House is respectfully requested.

On motion by Mr. Davis of Franklin,

The amendments of the Senate were concurred in.

Ordered, that the Clerk inform the Senate thereof.

On motion by Mr. Gibson,

House bill No. 234, a bill repealing all former acts of the legislature except those therein named;

Was taken from the table.

On motion by Mr. Gibson,

The 1st section of the bill was amended by striking out "private."

On motion by Mr. Buskirk,

The bill was amended by adding after "roads" in the 5th line "all laws declaring streams navigable."

Mr. Gookins submitted the following amendments to the bill:

Section 1, second division, after "vacating" insert "towns."

Insert—Acts authorizing minors to convey real estate.

All laws now in force relating to or in any way affecting the Wabash and Erie Canal, or the construction thereof, or granting any privileges, rights, reliefs or immunities to any persons relating to said canal, or relating to canal lands or canal loans or funds, or to the purchasers of canal lands or to settlers thereon, or to the assessment of damages for lands or materials taken for the construction thereof, or the enforcement of police regulations thereon, and all the provisions affecting the trust vested in the Board of Trustees of said canal at the time the same passed into their hands.

All laws relating to the Michigan road or Michigan road lands.

All laws relating to the issue and redemption of treasury notes.

All laws now in force relating to the construction or preservation of any and all canals, railroads, McAdamized roads or turnpike roads, or to the assessment and payment of damages for lands or materials taken for the construction thereof.

Add after first specification "acts incorporating cities and towns, and acts amending the same."

Which were agreed to.

Mr. Brady moved to amend the bill as follows:

All laws regulating the duties of the Agent of State for the town of Indianapolis, and in relation to the sale of lots therein.

Which was agreed to.

Mr. Dobson moved to amend the bill as follows:

Amend by excepting "an act abolishing the office of county auditor in certain counties therein named," so far as the same relates to Owen county.

Which was disagreed to.

The bill was then ordered to be engrossed.

On motion by Mr. Gibson,

The bill was considered as engrossed, and read a third time.

The question being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Brady, Bulla, Buskirk, Chowning, Crawford, Cromwell, Dice, Donaldson, Donham, Douthit, Eccles, Foster, Gibson, Goudy, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Howell, Huey, Huffstetter, Lavery, Lawrence, Leviston, Lindsey of Fayette, Major, Manson, McDowell, Miller, Nelson, Porter, Price, Ray, Reynolds, Scudder, Smith of Marion, Spencer, Stover, Stuart, Sumner, Sweet, Thompson, Torbet, Walker, Wells, and Wilson—54.

Those who voted in the negative were,

Messrs. Barker, Cowgill, Dobson, Donnohue, Doughty, Gookins, Graham, Hart, Humphreys, Hunt, Lindsay of Howard, McConnell, Shanklin, Smith of Spencer, Stanfield, Staton, Stevens, Struble, Taggart, Watson, and Mr. Speaker—21.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

Mr. Buskirk obtained leave and made the following report:

MR. SPEAKER:

The committee on Ways and Means, to whom was referred a resolution of the House instructing them to report the number of days they have had a clerk in their employment, have directed me to submit the following report, namely:

Stephen G. Dodge was elected clerk of such committee during the first week of the session, and entered immediately upon the duties of his position, and has continued from that time to the present time in the service of your committee. The greater portion of the time he has been constantly engaged, and when he has not been engaged in the business of the committee, he has done a large amount of writing for other committees and members of this House. He has not been absent a single day; he was engaged in the service of the committee during the adjournment at Christmas, and four days during the recess, for which, however, he does not expect any pay. Your committee take great pleasure in bearing their testimony to the zeal, energy and ability with which Mr. Dodge has discharged the various and important duties of his position.

*Repeal all
owner acts of
legis.
S. 1870.
passed.*

House bill No. 312, a bill supplemental to an act entitled an act to establish courts of common pleas, and defining the jurisdiction and duties and providing compensation for the judges thereof;

Was read a second time and considered as in committee of the Whole, and reported to the House without amendment.

Mr. Lawrence moved to amend the bill as follows:

Insert between sections 1 and 2—

SEC. —. For the purpose of electing a judge of the court of common pleas of the following counties, the counties of Henry and Wayne shall constitute a common pleas district.

Which was agreed to.

On motion by Mr. Shanklin,

The bill was laid on the table.

House bill No. 310, a bill to increase the benefits of common schools by applying the university funds and the proceeds of the unsold lands in the reserved townships of Gibson and Monroe county, &c.;

Was read a second time, and considered as in committee of the whole and reported to the House without amendment.

Mr. Stanfield moved to lay the bill on the table;

And the question being put,

The ayes and noes were demanded by Messrs. Holman and Davis of Franklin.

Those who voted in the affirmative were,

Messrs. Bryant, Bulla, Buskirk, Cowgill, Donnohue, Doughty, Gibson, Gookins, Goudy, Gunn, Hay of Clark, Helmer, Huffstetter, Hunt, King, Lawrence, Miller, Nelson, Price, Sale, Schoonover, Scudder, Stanfield, Staton, Stevens, Stover, Struble, Wells, and Mr. Speaker—29.

Those who voted in the negative were,

Messrs. Barker, Beane, Beeson, Brady, Chowning, Cockrum, Crawford, Cromwell, Davis of Franklin, Dice, Dobson, Donham, Douthit, Eccles, Foster, Geddes, Graham, Hanna, Hart, Hays of White, Henry, Hicks, Holladay, Holman, Howell, Huey, Leviston, Lindsay of Howard, Major, Manson, McConnell, McDowell, Porter, Ray, Reynolds, Shanklin, Smith of Marion, Smith of Spencer, Sumner, Sweet, Taggart, Torbet, Walker, Watson, Williams, Wilson, and Withers—47.

So the bill was not laid on the table.

The question being put on ordering the bill to be engrossed,

The ayes and noes were demanded by Messrs. Buskirk and Withers.

Those who voted in the affirmative were,

Messrs. Barker, Beane, Beeson, Chowning, Crawford, Cromwell, Davis of Franklin, Dice, Douthit, Eccles, Foster, Graham, Hanna, Hart, Hays of White, Helmer, Henry, Holladay, Holman, Howell, Huey, Lawrence, Leviston, Lindsay of Howard, Major, Manson, McConnell, McDowell, Porter, Ray, Reynolds, Scudder, Shanklin, Smith of Spencer, Sweet, Taggart, Thompson, Walker, Watson, Williams, Wilson, and Withers—42.

Those who voted in the negative were,

Messrs. Brady, Bryant, Bulla, Buskirk, Cockrum, Cowgill, Donham, Donnohue, Doughty, Gibson, Gookins, Goudy, Hay of Clark, Hicks, Huffstetter, Hunt, King, Laverty, Nelson, Price, Sale, Schoonover, Smith of Marion, Stanfield, Staton, Stevens, Stover, Struble, Sumner, Wells, and Mr. Speaker—31.

So the bill was ordered to be engrossed.

On motion by Mr. Huffstetter,
The House adjourned.

2 o'clock, P. M.

The House met.

By unanimous consent of the House,
Mr. Bryant obtained leave and introduced
No. 315. A bill to provide for the appointment of the trustees
in the civil townships of this State;
Which was read a first time and passed to a second reading.

By unanimous consent of the House,
Mr. Gibson obtained leave and introduced,
No. 316. A bill amendatory of the charter of the town of
Clarksville in Clark and Floyd counties;
Which was read a first time.
Mr. Gibson moved to suspend the rule and read the bill a second
time now by its title.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Bryant, Chowning, Cowgill, Davis of Franklin, Davis of Sullivan, Dobson, Donnohue, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Goudy, Graham, Gunn, Hart, Hay of Clark, Helmer, Henry, Hicks, Holman, Howell, Huey, Huffstetter, Hunt, King, Laverty, Lawrence, Levison, Lindsey of Fayette, Linsday of Howard, Manson, Mayfield, McDowell, Miller, Nelson, Porter, Price, Reynolds, Sale, Schoonover, Scudder, Smith of Marion, Stevens, Stover, Struble, Stuart, Suit, Sweet, Taggart, Torbet, Walker, Watson, Wells, Williams, Wilson, and Mr. Speaker—64.

Those who voted in the negative were,

Messrs. Crawford, Hanna, Holladay, Major, Ray, and Smith of Spencer—6.

So the rule was suspended and the bill read a second time by its title and ordered to be engrossed.

Mr. Gookins obtained leave and made the following report:

MR. SPEAKER:

The committee of free conference to whom was referred the disagreement between the two houses, in reference to the amendments of the House to the engrossed bill of the Senate No. 176, an act for the incorporation of cities, have had the same under consideration, and have instructed me to report that they have agreed to recommend, that the House recede from their third amendment, and that the Senate concur in the 25th and 26th amendments of the House.

Which was concurred in.

Senate bill No. 186, a bill providing for the organization of county boards and prescribing some of their powers and duties;

Was taken up.

On motion by Mr. Holman,

The bill was laid on the table.

Senate bill No. 197, a bill relative to Probate courts;

Was read a second time and considered as in committee of the whole and reported to the House without amendment.

The bill was ordered to a third reading.

Mr. Dobson obtained leave and made the following report:

MR. SPEAKER:

The select committee to which was referred House bill No. 307, have amended the same as instructed, and ask to be discharged from the further consideration thereof.

Mr. Gookins called a division of the question.

The 1st question being put on concurring in the first amendment reported by the committee—add Starke county to the 10th district;

It was agreed to.

The question being put on concurring in the 2d amendment, to add Hendricks county to the 5th district and Monroe to the 4th.

The ayes and noes were demanded by Messrs. Humphreys and Behm.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Davis of Sullivan, Dice, Dobson, Donham, Douthit, Foster, Gibson, Hanna, Henry, Holladay, Holman, Howell, Humphreys, Leviston, Lindsey of Fayette, Major, Manson, McDowell, Nelson, Porter, Ray, Reynolds, Schoonover, Smith of Marion, Stover, Struble, Torbet, Wells, Williams, Wilson, Withers, and Mr. Speaker—38.

Those who voted in the negative were,

Messrs. Behm, Bryant, Cockrum, Cowgill, Davis of Franklin, Donnohue, Doughty, Geddes, Gookins, Goudy, Graham, Gunn, Hart, Hay of Clark, Hicks, Hunt, King, Lavery, Lawrence, Lindsay of Howard, Price, Sale, Scudder, Shanklin, Smith of Spencer, Stanfield, Staton, Stevens, Suit, Sumner, Taggart, Thompson, Walker, and Watson—34.

So the 2nd amendment was concurred in.

Mr. Nelson moved to lay the bill on the table.

And the question being put,

The ayes and noes were demanded by Messrs. Gibson and Nelson.

Those who voted in the affirmative were,

Messrs. Beeson, Behm, Brady, Buskirk, Crawford, Donnohue, Eccles, Foster, Gookins, Graham, Gunn, Hart, Hay of Clark, Henry, Hicks, Holman, King, Lawrence, Leviston, Lindsey of Fayette, Major, McAllister, Nelson, Price, Sale, Shanklin, Smith of Spencer, Struble, Suit, Taggart, Thompson, Torbet, Walker, Watson, Williams, and Withers—36.

Those who voted in the negative were,

Messrs. Barker, Beach, Beane, Bryant, Chowning, Cockrum, Cowgill, Davis of Franklin, Davis of Sullivan, Dice, Donham, Doughty, Douthit, Geddes, Gibson, Goudy, Hanna, Helmer, Holladay, Howell, Huey, Humphreys, Hunt, Lindsay of Howard, Manson, Mayfield, McConnell, Miller, Porter, Ray, Reynolds, Schoonover, Scudder, Smith of Marion, Stanfield, Staton, Stevens, Stover, Stuart, Sumner, Wells, Wilson, and Mr. Speaker—43.

So the bill was not laid on the table.

The question being shall the pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Brady, Chowning, Cockrum, Davis of Franklin, Davis of Sullivan, Dobson, Donham, Doughty, Douthit, Geddes, Gibson, Goudy, Hanna, Howell, Huey, Huffstetter, Humphreys, Hunt, Lindsay of Howard, Manson, McConnell, McDowell, Miller, Porter, Ray, Reynolds, Scudder, Staton, Stevens, Stuart, Sumner, Wells, Wilson, and Mr. Speaker—37.

Those who voted in the negative were,

Messrs. Beeson, Behm, Bryant, Cowgill, Crawford, Dice, Donnohue, Eccles, Foster, Gookins, Graham, Gunn, Hart, Hay of Clark, Helmer, Henry, Hicks, Holladay, Holman, King, Lawrence, Leviston, Lindsey of Fayette, Major, Mayfield, McAllister, Nelson, Price, Sale, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Stover, Struble, Suit, Taggart, Thompson, Torbet, Walker, Watson, and Withers—42.

So the bill did not pass.

Senate bill No. 179, a bill districting the State for judicial circuits;

Was read a second time and considered as in committee of the Whole.

Mr. Gookins moved to amend the bill by striking Morgan from the 6th and add it to the 5th, and add Hendricks to the 6th.

And the question being put,

The ayes and noes were demanded by Messrs. Gookins and Suit.

Those who voted in the affirmative were,

Messrs. Behm, Cockrum, Cowgill, Davis of Franklin, Donnohue,

Doughty, Geddes, Gookins, Graham, Gunn, Hart, Hay of Clark, Hicks, Holladay, Hunt, King, Lawrence, Mayfield, McDowell, Price, Reynolds, Sale, Scudder, Stanfield, Staton, Stevens, Suit, Sumner, and Watson—29.

Those who voted in the negative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Bryant, Buskirk, Chowning, Crawford, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Douthit, Eccles, Foster, Gibson, Goudy, Hanna, Helmer, Henry, Holman, Howell, Huey, Humphreys, Lavery, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Manson, McAllister, McConnell, Miller, Nelson, Porter, Ray, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Struble, Sweet, Taggart, Thompson, Torbet, Walker, Wells, Williams, Wilson, Withers, and Mr. Speaker—53.

So the amendment was disagreed to.

Mr. Donaldson moved to amend the bill as follows:

Ninth Circuit.—Jasper, Pulaski, Fulton, Cass, Miami, Wabash, Howard, Carroll, White and Benton.

And the question being put,

The ayes and noes were demanded by Messrs. Donaldson and Hays of White.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Brady, Cowgill, Dobson, Donaldson, Donohue, Doughty, Geddes, Gookins, Goudy, Graham, Hanna, Hart, Hays of White, Hicks, Howell, Humphreys, Lindsay of Howard, Manson, Miller, Smith of Marion, Stevens, Stuart, Sumner, and Williams—26.

Those who voted in the negative were,

Messrs. Barker, Beeson, Behm, Bryant, Buskirk, Chowning, Cockrum, Crawford, Davis of Franklin, Davis of Sullivan, Dice, Donham, Douthit, Eccles, Foster, Gibson, Gunn, Hay of Clark, Helmer, Henry, Holladay, Huey, King, Lavery, Lawrence, Leviston, Lindsey of Fayette, Major, Mayfield, McAllister, McConnell, McDonald, McDowell, Nelson, Price, Ray, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Spencer, Stanfield, Staton, Stover, Struble, Suit, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Williams, Wilson, Withers, and Mr. Speaker—57.

So the amendment was disagreed to.

The bill was then reported to the House without amendment.

Mr. Lindsay of Howard moved to amend the bill as follows:

Strike out from the enacting clause and insert the following:

SEC. 1. That the counties of Dearborn, Ripley, Jennings, Jefferson, Switzerland and Ohio, shall constitute the first district.

SEC. 2. The counties of Lawrence, Jackson, Orange, Scott, Clark, Washington, Crawford, Harrison and Floyd shall constitute the second district.

SEC. 3. The counties of Knox, Daviess, Martin, Gibson, Pike, Dubois, Posey, Vanderburgh, Warrick, Perry and Spencer, shall constitute the third district.

SEC. 4. The counties of Vermillion, Parke, Putnam, Hendricks, Vigo, Clay, Owen, Sullivan and Greene, shall constitute the fourth district.

SEC. 5. The counties of Brown, Monroe, Bartholomew, Shelby, Johnson, Morgan, Hancock, and Marion shall constitute the fifth district.

SEC. 6. The counties of Henry, Wayne, Rush, Union, Fayette, Decatur, and Franklin shall constitute the sixth district.

SEC. 7. The counties of Allen, Whitley, Huntington, Wells, Adams, Grant, Blackford, Jay, Randolph, Delaware, and Madison shall constitute the seventh district.

SEC. 8. The counties of Warren, Tippecanoe, Clinton, Tipton, Hamilton, Boone, Montgomery, and Fountain shall constitute the eighth district.

SEC. 9. The counties of Jasper, Pulaski, Fulton, Benton, White, Carroll, Cass, Howard, Miami, and Wabash shall constitute the ninth district.

SEC. 10. The counties of Lake, Porter, Laporte, St. Joseph, Marshall, Starke, Elkhart, Kosciusko, Lagrange, Steuben, Noble, and DeKalb shall constitute the tenth district.

Mr. Gibson moved to amend the amendment by adding Perry county to 3d district;

Which was accepted.

Mr. King moved to lay the amendment on the table;

And the question being put,

The ayes and noes were demanded by Messrs. Lindsay of Howard and Reynolds.

Those who voted in the affirmative were,

Messrs. Beeson, Brady, Buskirk, Chowning, Davis of Sullivan, Dice, Donham, Eccles, Foster, Gunn, Hart, Helmer, Henry, Hicks, Holman, King, Laverty, Leviston, Lindsey of Fayette, Major, Mayfield, McAllister, Nelson, Ray, Schoonover, Shanklin, Smith of Marion, Stover, Struble, Suit, Thompson, Torbet, Walker, Williams, Withers, and Mr. Speaker—36.

Those who voted in the negative were,

Messrs. Barker, Beach, Beane, Bryant, Cockrum, Cowgill, Crawford, Davis of Franklin, Donaldson, Donnohue, Doughty, Douthit, Geddes, Gibson, Gookins, Goudy, Graham, Hanna, Hay of Clark, Hays of White, Holladay, Howell, Huey, Hunt, Lawrence, Lindsay of Howard, McConnell, McDonald, Miller, Porter, Price, Reynolds, Sale, Scudder, Smith of Spencer, Stanfield, Staton, Stevens, Stuart, Sumner, Sweet, Taggart, Watson, Wells, and Wilson—45.

So the amendment was not laid on the table.

Mr. Dobson moved to amend the amendment as follows:

By adding Hendricks to the 5th and Monroe to the 4th.

Mr. Gookins moved to lay the amendment to the amendment on the table;

And the question being put,

The ayes and noes were demanded by Messrs. Gookins and Withers.

Those who voted in the affirmative were,

Messrs. Beane, Bryant, Cowgill, Davis of Franklin, Dice, Donnohue, Doughty, Douthit, Geddes, Gibson, Gookins, Goudy, Graham, Gunn, Hart, Hay of Clark, Holladay, Hunt, King, Lawrence, Leviston, Lindsay of Howard, Manson, Mayfield, McConnell, McDonald, Price, Ray, Reynolds, Sale, Scudder, Shanklin, Smith of Spencer, Stanfield, Staton, Stevens, Stuart, Suit, Sumner, Sweet, Thompson, Walker, and Watson—43.

Those who voted in the negative were,

Messrs. Beeson, Brady, Carpenter, Chowning, Cockrum, Crawford, Davis of Sullivan, Dobson, Donaldson, Donham, Eccles, Foster, Hanna, Hays of White, Helmer, Henry, Hicks, Holman, Huey, Humphreys, Laverty, Lindsey of Fayette, Major, McAllister, McDowell, Miller, Nelson, Porter, Schoonover, Smith of Marion, Stover, Struble, Taggart, Torbet, Wells, Williams, Wilson, Withers, and Mr. Speaker—39.

So the amendment to the amendment was laid on the table.

Mr. Nelson moved to amend the amendment as follows:

Strike Allen from the 7th circuit and add it to the 10th.

Mr. Davis of Franklin moved to lay the amendment to the amendment on the table;

And the question being put,

The ayes and noes were demanded by Messrs. Nelson and Henry.

Those who voted in the affirmative were,

Messrs. Barker, Beane, Beeson, Brady, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Davis of Franklin, Davis of Sullivan, Dice, Donaldson, Donham, Donnohue, Douthit, Eccles, Geddes, Goudy, Graham, Hanna, Huey, Hunt, King, Laverty, Lawrence, Lindsay of Howard, McAllister, McConnell, Price, Ray, Sale, Schoonover, Scudder, Smith of Marion, Smith of Spencer, Stanfield, Staton, Suit, Sumner, Walker, Watson, Wells, and Williams—44.

Those who voted in the negative were,

Messrs. Bryant, Dobson, Foster, Hart, Helmer, Henry, Hicks, Holladay, Holman, Howell, Huffstetter, Leviston, Lindsey of Fayette, Major, Manson, Mayfield, McDowell, Miller, Nelson, Porter, Reynolds, Shanklin, Stover, Struble, Sweet, Taggart, Thompson, Torbet, Wilson, Withers and Mr. Speaker—31.

So the amendment to the amendment was laid on the table.

Mr. Hays of White called the previous question;

Which was seconded by the House, and the main question ordered.

The first question being on the adoption of the amendment,

The ayes and noes were demanded by Messrs. Lindsay of Howard and Dobson.

Those who voted in the affirmative were,

Messrs. Barker, Beane, Behm, Bryant, Carpenter, Cockrum, Cowgill, Davis of Franklin, Donaldson, Donnohue, Doughty, Douthit, Geddes, Gookins, Goudy, Graham, Gunn, Hanna, Hays of White, Holladay, Howell, Huey, Hunt, Lawrence, Lindsay of Howard, McConnell, McDonald, Miller, Porter, Price, Reynolds, Sale, Scudder, Smith of Spencer, Stanfield, Staton, Stevens, Stuart, Sumner, Sweet, Watson, Williams, and Wilson—43.

Those who voted in the negative were,

Messrs. Beach, Beeson, Brady, Buskirk, Chowning, Crawford, Davis of Sullivan, Dice, Dobson, Donham, Eccles, Foster, Hart, Helmer, Henry, Hicks, Holman, Huffstetter, Humphreys, King, Laverty, Leviston, Lindsey of Fayette, Major, Manson, Mayfield, McAllister, McDowell, Nelson, Ray, Schoonover, Shanklin, Smith of Marion, Stover, Struble, Suit, Taggart, Thompson, Torbet, Walker, Wells, Withers, and Mr. Speaker—43.

So the amendment was disagreed to.

The main question being on ordering the bill to a third reading,
And being put,
The ayes and noes were demanded by Messrs. Huey and Doughty.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Buskirk, Chowning, Crawford, Davis of Sullivan, Dice, Dobson, Donham, Eccles, Foster, Gibson, Helmer, Henry, Hicks, Holman, Huffstetter, Humphreys, King, Laverty, Leviston, Lindsey of Fayette, Major, Manson, Mayfield, McAllister, McDowell, Nelson, Porter, Ray, Schoonover, Smith of Marion, Stover, Struble, Sweet, Taggart, Thompson, Torbet, Walker, Wells, Williams, Withers, and Mr. Speaker—46.

Those who voted in the negative were,

Messrs. Behm, Bryant, Carpenter, Cockrum, Cowgill, Davis of Franklin, Donaldson, Donnohue, Doughty, Douthit, Geddes, Gookins, Graham, Gunn, Hanna, Hart, Hays of White, Holladay, Howell, Huey, Hunt, Lawrence, Lindsay of Howard, McConnell, McDonald, Miller, Price, Reynolds, Sale, Scudder, Shanklin, Smith of Spencer, Stanfield, Staton, Stevens, Stuart, Suit, Sumner, Watson, and Wilson—40.

So the bill was ordered to a third reading.

Senate bill No. 167, a bill concerning licenses to vend foreign merchandise, to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show and legerdemain,

Was read a second time and considered as in committee of the Whole, and reported to the House without amendment.

The bill was then ordered to a third reading.

Senate joint resolution No. 113, a joint resolution in relation to settlements with the State Printer,

Was read a second time.

On motion by Mr. Hicks,

The joint resolution was referred to the committee on Printing.

Senate joint resolution No. 192, a joint resolution to provide for the suspension of certain acts therein mentioned,

Was read a second time.

On motion by Mr. Suit,

The joint resolution was laid on the table.

Senate bill No. 195. A bill to provide that purchasers of rea

estate forfeited to the sinking fund who are the legal owners, but who have purchased the State's interest for a sum greater than that due the State and interest thereon, shall not be compelled to pay to the commissioners of the fund the overplus and the interest thereon;

Was read a second time, and considered as in committee of the Whole, and reported back to the House, without amendment.

The bill was then ordered to a third reading.

Senate bill No. 191. A bill to quiet the title to lands granted for the purpose of county seats and to legalize the sales of any such lands or any part thereof,

Was read a second time, and considered as in committee of the whole, and reported to the House without amendment.

The bill was then ordered to a third reading.

Senate bill No. 133. A bill to enable trustees to receive lands and donations, and convey the same for the use of schools, churches, religious societies, Masonic and Odd Fellows lodges, Sons and Daughters of Temperance and for the construction of cemeteries, houses of worship and other buildings therein mentioned;

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Davis of Franklin, Dice, Dobson, Donaldson, Donham, Donnohue, Doughty, Douthit, Eccles, Foster, Gibson, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Howell, Huey, Huffstetter, Humphreys, Hunt, King, Laverty, Lawrence, Leviston, Lindsey of Fayette, Major, Manson, Mayfield, McAllister, McConnell, McDowell, Miller, Nelson, Porter, Price, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers and Mr. Speaker—78.

Mr. Suit voted in the negative.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives

that the Senate insists upon its engrossed amendments to engrossed bill of the House No. 104, "an act to regulate the mileage of sheriffs in conveying convicts to the State Prison, and of county treasurers in making deposits, and in their settlement with the Treasurer and Auditor of State, and the mileage of members of the General Assembly," and have appointed Messrs. Scobey and Cravens a committee of free conference to act with a similar committee on the part of the House.

On motion,

A committee of free conference was ordered on the disagreement between the two Houses on House bill No. 104, contained in the foregoing message.

Messrs. Buskirk and McDonald were appointed said committee.

Ordered, that the Clerk inform the Senate thereof.

No. 105. A bill regulating the vending of spirituous liquors ;
Was read a second time and considered as in committee of the whole and reported to the House without amendment.

Mr. Lavery moved to amend the bill as follows:

Amend by striking out from the enacting clause and inserting the following—

That all laws and parts of laws now in force, authorizing the granting of license to vend or retail spirituous or strong liquors, be, and the same are hereby repealed.

SEC. 2. Before any retailing of spirituous or strong liquors in quantity less than one gallon, shall be allowed in any city, town, or township of this State, the consent in writing of a majority of the voters of such city, town, or township, shall be filed with the county auditor, which consent shall be renewed annually with the affidavit of two respectable voters thereto attached verifying the fact that the names obtained constitute such majority, and that the signatures are genuine.

SEC. 3. Any person who shall retail any spirituous or strong liquors in any city, town, or township, without the consent of a majority of its legal voters having been first filed, as aforesaid, shall for every such offence, be fined in any sum not less than five nor more than fifty dollars, and adulterated wines shall be deemed strong liquors, within the meaning of this act.

SEC. 4. If any person shall sell or give any spirituous or strong liquors to any minor under the age of eighteen years, or shall sell or give away any spirituous or strong liquors to an individual who is at the time in a state of intoxication, shall be fined in any sum not less than two nor more than ten dollars.

SEC. 5. Any person who shall barter or sell any spirituous or strong liquors to any person on Sunday, except for medical purposes,

shall be fined in any sum not less than one, nor more than twenty dollars.

SEC. 6. Any person who shall barter, sell or give away spirituous or strong liquors, to any person whatever, by means whereof such person shall become intoxicated, shall keep, board, and take care of such person, until he or she shall be able, without assistance to return home in safety, and upon failure so to do, it shall be lawful for any other person so to do, or cause the same to be done, and to recover from the vender, or giver of such spirituous or strong liquor the amount of all necessary expenses so incurred, and a reasonable compensation for such services, with fifty per cent. damages, by action in any court of competent jurisdiction.

SEC. 7. It shall not be lawful for any municipal corporation, directly or indirectly, by means of any special tax, or otherwise, to exact or receive from any retailer of spirituous or strong liquors, any sum or sums of money by way of exaction or compensation for the privilege of retailing the same.

SEC. 8. Nothing contained in this act shall be construed to prevent the sale by retail of spirituous or strong liquors, for medicinal or mechanical purposes, by any person who shall file with the treasurer of the proper county a bond payable to the State of Indiana, in the penal sum of five hundred dollars, with surety, to be approved by such treasurer, and conditioned that such sales shall be for the purposes specified in this section, and for the payment of all costs and fines that may be assessed for violation of this act.

Mr. Graham moved to lay the amendment on the table ;

And the question being put,

The ayes and noes were demanded by Messrs. Gunn and Graham.

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Chowning, Davis of Sullivan, Donham, Eccles, Foster, Gibson, Graham, Hart, McAllister, McDonald, Miller, Ray, Reynolds, Smith of Marion, Withers, and Mr. Speaker—18.

Those who voted in the negative were,

Messrs. Beach, Beane, Behm, Brady, Bryant, Buskirk, Carpenter, Cockrum, Cowgill, Crawford, Dice, Donaldson, Donnohue, Doughty, Douthit, Gookins, Gunn, Hanna, Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Huey, Hunt, King, Laverty, Lawrence, Leviston, Lindsey of Fayette, Linsday of Howard, Major, Mayfield, Nelson, Porter, Price, Sale, Scudder, Shanklin, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Suit, Sweet, Taggart, Thompson, Walker, Watson, Williams, and Wilson—55.

So the amendment was not laid on the table.

Mr. Donaldson moved to amend the bill as follows:

Strike out \$2, and insert \$5; strike out \$5 and insert \$10.

Which was disagreed to.

Mr. Graham moved to amend the amendment as follows:

Strike out "one gallon," and insert "not less than one pint."

Which was disagreed to.

The question then recurred on the adoption of Mr. Laverty's amendment;

And being put,

The ayes and noes were demanded by Messrs. Hart and Barker.

Those who voted in the affirmative were,

✓ Messrs. Beach, Beane, Behm, Brady, Bryant, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Davis of Franklin, Davis of Sullivan, Dice, Donaldson, Donnohue, Doughty, Douthit, Gookins, Goudy, Gunn, Hanna, Hays of White, Helmer, Henry, Hicks, Holladay, Hunt, King, Laverty, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, McConnell, Nelson, Porter, Price, Sale, Scudder, Shanklin, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, and Williams—57.

Those who voted in the negative were,

Messrs. Barker, Beeson, Crawford, Donham, Eccles, Geddes, Graham, Hart, Holman, Huey, McAllister, McDonald, McDowell, Miller, Ray, Reynolds, Smith of Marion, Torbet, Wilson, Withers, and Mr. Speaker—21.

So the amendment was agreed to.

The bill was then ordered to a third reading, and the amendment ordered to be engrossed.

On motion by Mr. Holman,

House bill No. 312, a bill supplemental to an act entitled "An act to establish courts of common pleas," &c.,

Was taken from the table and ordered to be engrossed.

Mr. Stuart called up Senate bill

No. 143. A bill for the incorporation of insurance companies, defining their powers and prescribing their duties, and in relation to foreign insurance companies and their agents,

Which was lost this morning on the question of its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Buskirk, Chowning, Cowgill, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Douthit, Eccles, Foster, Gibson, Gunn, Hanna, Hays of White, Helmer, Henry, Hicks, Holladay, Howell, Huey, Hunt, Lawrence, Leviston, Lindsey of Fayette, Linsday of Howard, Major, Mayfield, McAllister, McDonald, Miller, Nelson, Price, Ray, Smith of Marion, Smith of Spencer, Stanfield, Stevens, Stover, Struble, Stuart, Sumner, Watson, Wells, Wilson, and Mr. Speaker—51.

Those who voted in the negative were,

Messrs. Behm, Bryant, Carpenter, Cockrum, Crawford, Donham, Donnohue, Doughty, Gookins, Goudy, Graham, Hart, Holman, Laverty, McConnell, McDowell, Porter, Reynolds, Scudder, Shanklin, Staton, Suit, Sweet, Thompson, Torbet, Walker, Williams, and Withers—28.

So the bill passed.

On motion by Mr. Stanfield,

The title of the bill was amended by striking out, "in relation to foreign insurance companies and their agents."

Ordered that the clerk inform the Senate of the passage of the bill.

A message from the Senate by Mr. Dunn their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bills of the House:

No. 291. An act supplemental to an act entitled "an act to regulate the swamp lands donated by the United States to the State of Indiana," &c.

No. 302. An act in relation to the assessment and taxation of the stock of canal companies.

With sundry engrossed amendments of the Senate thereto.

In which the concurrence of the House is respectfully requested.

On motion by Mr. Stanfield,

The first amendment of the Senate to House bill No. 291, in the foregoing message, was concurred in.

On motion by Mr. McDonald,

The House refused to concur in the 2d amendment of the Senate to House bill No. 291, contained in the foregoing message.

Ordered that the clerk inform the Senate thereof.

The question being put on concurring in the engrossed amendments of the Senate to House bill No. 302, contained in the foregoing message,

The ayes and noes were demanded by Messrs. Davis of Franklin and Gibson.

Those who voted in the affirmative were,

Messrs. Behm, Brady, Bryant, Carpenter, Cockrum, Cowgill, Davis of Franklin, Davis of Sullivan, Dobson, Donaldson, Donnohue, Doughty, Geddes, Gookins, Goudy, Graham, Gunn, Helmer, Hicks, Holladay, Hunt, Lavery, Lawrence, Mayfield, Nelson, Price, Sale, Scudder, Stanfield, Staton, Stevens, Stover, Thompson, Walker, Watson, Wells, Williams, and Withers—38.

Those who voted in the negative were,

Messrs. Barker, Beach, Beane, Beeson, Buskirk, Chowning, Crawford, Dice, Donham, Douthit, Eccles, Foster, Gibson, Hanna, Hart, Henry, Holman, Howell, Huey, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Manson, McAllister, McConnell, McDonald, McDowell, Miller, Porter, Ray, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Struble, Suit, Sumner, Sweet, Taggart, Torbet, Wilson, and Mr. Speaker—44.

So the House refused to concur in the engrossed amendments of the Senate.

Ordered that the Clerk inform the Senate thereof.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed joint resolution thereof:

No. 194. A joint resolution in relation to the lands granted by the United States to this State for the use of common schools.

In which the concurrence of the House is respectfully requested.

The joint resolution was read a first time and passed to a second reading.

By unanimous consent of the House,

Mr. Buskirk obtained leave and offered the following resolution:

Resolved, That the Clerk of the House have printed five hundred copies of the amendments of the Senate and House to the Civil and Criminal Code, and that the same be printed in the same manner and of the same size as the Code.

Which was agreed to.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate insist upon its disagreement to engrossed amendments of the House to engrossed bill of the Senate No. 176, an act for the incorporation of cities, and have appointed Messrs. Eddy and Winstandley a committee of free conference upon the part of the Senate to act with a similar committee already appointed upon the part of the House.

A message from the Senate, by Mr. Dunn, their secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the engrossed amendment of the House to engrossed amendment of the Senate to engrossed bill of the House No. 94, "an act to constitute a council to be composed of officers of State, without whose advice and consent the Governor shall not have power to grant pardons, and to regulate the granting of such pardons, and the remission of fines and forfeitures."

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the engrossed amendment of the House to engrossed bill of the Senate No. 116, a bill establishing general provisions respecting corporations.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate insist upon its disagreement to engrossed amendments of the House to engrossed bill of the Senate No. 129, "a bill providing for the election and prescribing certain duties of county surveyor," and have appointed Messrs. Hester and Athon a committee of free conference on the part of the Senate, to act with a similar committee already appointed upon the part of the House.

A message from the Senate by Mr. Dunn their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the report of the committee of free conference to whom was referred the disagreement of the two Houses upon engrossed bill of the Senate No. 176, an act for the incorporation of cities.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bills of the House:

No. 9. An act to authorize county auditors and recorders to recopy maps and plats where the original copies shall have become worn or defaced.

No. 223. An act concerning trusts and powers.

No. 301. An act regulating appeals from the awards of arbitrators in certain cases.

Also, No. 32, a joint resolution in relation to the extension of time for the payment of claims due from certain citizens of this State to the bondholders.

Without amendment.

On motion by Mr. Doughty,
The House adjourned.

SATURDAY MORNING, 7½ o'clock, }
 June 12, 1852. }

The House met.

On motion by Mr. Donaldson,
 The reading of the journal was dispensed with.

REPORTS FROM COMMITTEES.

Mr. Stover, from the select joint committee on Revision, made the following report:

MR. SPEAKER:

The joint select committee on Revision, to whom was referred House bill No. 62, with engrossed amendments, a bill for the limitation of civil actions, &c., have directed me to report the same back and recommend that it be laid on the table, as a bill has been passed on that subject.

Which was concurred in.

Mr. McConnell, chairman of the committee on Fees and Salaries, made the following report:

MR. SPEAKER:

The committee on Fees and Salaries, to whom were referred sundry bills, resolutions, and memorials on that subject, have had the same under consideration and have instructed me to report the same back to the House and ask to be discharged from the further consideration of the subject.

Which was concurred in.

RESOLUTIONS OF THE HOUSE.

Mr. Graham offered the following resolution :

Resolved, That the Treasurer of State inform this House what disposition is made of the whole house in which is kept the Treas-

urer's office—if it is rented, what for per annum, to whom and for what use.

Which was disagreed to.

Mr. Stanfield submitted the following resolution:

Resolved, That the committee on the Organization of Courts be instructed to report a supplemental bill dividing the ninth judicial circuit, as made by the Senate bill, as equally as may be into two judicial circuits.

On motion by Mr. Lindsay of Howard,

A call of the House was ordered.

The Clerk proceeded with the call when the following members answered to their names, viz:

Messrs. Barker, Beach, Beane, Beeson, Brady, Buskirk, Chowning, Cockrum, Cowgill, Crawford, Davis of Franklin, Dice, Dobson, Donaldson, Donham, Donnohue, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Howell, Huffstetter, Humphreys, Hunt, Lavery, Lawrence, Leviston, Lindsay of Howard, Major, Manson, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Mudgett, Nelson, Porter, Price, Ray, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker.

On motion by Mr. Lindsay of Howard,

The further call of the House was suspended.

The question then being on the adoption of Mr. Stanfield's resolution,

Mr. Manson moved to amend the resolution by adding the 8th judicial circuit:

Which was disagreed to.

Mr. Doughty moved to amend the resolution by striking Wayne from the 6th and add it to the 4th;

Which was disagreed to.

The question then recurred on the adoption of Mr. Stanfield's resolution,

And being put,

The ayes and noes were demanded by Messrs. Stanfield and Lindsay of Howard.

Those who voted in the affirmative were,

Messrs. Beane, Beeson, Buskirk, Cowgill, Dobson, Donaldson, Gra-

ham, Hays of White, Henry, Hicks, Holman, Howell, Humphreys, Hunt, Lindsey of Fayette, Linsday of Howard, Mayfield, McAllister, McDonald, McDowell, Miller, Nelson, Porter, Price, Reynolds, Stanfield, Stuart, Suit, Sumner, Sweet, Thompson, and Walker—32.

Those who voted in the negative were,

Messrs. Barker, Brady, Carpenter, Chowning, Cockrum, Crawford, Davis of Franklin, Davis of Sullivan, Dice, Donham, Donnohue, Doughty, Douthit, Foster, Geddes, Gibson, Gookins, Goudy, Gunn, Hanna, Hart, Hay of Clark, Helmer, Holladay, Huey, Huffstetter, Lavery, Lawrence, Leviston, Major, Manson, McConnell, Ray, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stover, Struble, Taggart, Torbet, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—49.

So the resolution was disagreed to.

On motion by Mr. Thompson,

Resolved, That the thanks of this House are due and are hereby tendered to George W. Patterson, Door-keeper, and his Assistants, for the impartial and efficient manner in which they have discharged their duties as such during the present session of the General Assembly.

ORDERS OF THE DAY.

On motion by Mr. Price,

Senate bill No. 186, a bill providing for the organization of county boards and prescribing some of their powers and duties;

Was taken up and read a third time.

By unanimous consent of the House,

On motion by Mr. Stover,

The bill was amended as follows:

Add to the end of the 1st section—*Provided*, the commissioners now in office shall serve out their terms of office respectively and until their successors are elected and qualified.

Mr. Smith of Spencer moved to recommit the bill with the following instructions:

Strike out that section of the bill allowing the board of county commissioners to exempt certain persons from paying a poll tax.

And the question being put,

The ayes and noes were demanded by Messrs. Dobson and McDowell.

Those who voted in the affirmative were,

Messrs. Beeson, Brady, Bryant, Buskirk, Carpenter, Chowning, Cockrum, Davis of Franklin, Dobson, Donham, Gibson, Gunn, Henry, Holladay, Holman, Lavery, McAllister, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stover, Struble, Stuart, Suit, Wells, and Williams—29.

Those who voted in the negative were,

Messrs. Barker, Beach, Beane, Behm, Bulla, Cowgill, Crawford, Davis of Sullivan, Dice, Doughty, Douthit, Eccles, Foster, Geddes, Gookins, Goudy, Graham, Hanna, Hart, Hay of Clark, Helmer, Hicks, Howell, Huey, Huffstetter, Humphreys, Hunt, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Manson, Mayfield, McConnell, McDonald, McDowell, Miller, Nelson, Price, Ray, Reynolds, Stevens, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wilson, Withers, and Mr. Speaker—53.

So the bill was not recommitted.

Mr. Hay of Clark moved to lay the bill on the table.

Which was disagreed to.

By unanimous consent of the House,

On motion by Mr. Stover,

The bill was amended by adding in the proper place after the word "building," "or for the purpose of funding or arranging any existing debt incurred for any county purposes."

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beane, Beeson, Bryant, Bulla, Buskirk, Chowning, Cockrum, Cowgill, Crawford, Davis of Sullivan, Dice, Donaldson, Donham, Donnohue, Doughty, Douthit, Eccles, Foster, Geddes, Gookins, Goudy, Graham, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Howell, Huffstetter, Humphreys, Hunt, King, Lavery, Lawrence, Leviston, Lindsey of Fayette, Manson, Mayfield, McAllister, McConnell, McDonald, McDowell, Nelson, Porter, Price, Ray, Reynolds, Sale, Scudder, Smith of Marion, Smith of Spencer, Stevens, Stover, Struble, Stuart, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wilson, Withers, and Mr. Speaker—68.

Those who voted in the negative were,

Messrs. Beach, Brady, Davis of Franklin, Gibson, Gunn, Holman,

Linsday of Howard, Schoonover, Shanklin, Suit, Torbet, Wells, and Williams—13.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

On motion by Mr. Doughty,
Senate bill No. 197, a bill relative to probate courts;
Was taken up and read a third time.
The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Davis of Franklin, Donaldson, Donham, Donnohue, Doughty, Douthit, Eccles, Foster, Geddes, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Howell, Huey, Huffstetter, Humphreys, Hunt, King, Laverty, Lawrence, Leviston, Lindsey of Fayette, Linsday of Howard, Major, Mayfield, McAllister, McConnell, McDonald, Miller, Nelson, Porter, Price, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stevens, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, and Wilson—73.

Those who voted in the negative were,

Messrs. Dobson, Gibson, Hay of Clark, Manson, McDowell, Ray, Stanfield, Stover, Williams, Withers, and Mr. Speaker—11.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

Mr. Hicks from a select committee made the following report:

MR. SPEAKER:

The committee on Printing to whom was referred a joint resolution in relation to settlements with the State Printer, No 113, have had the same under consideration, and have directed me to report the same back for the action of the House, and ask to be discharged from the further consideration of the subject;

Which was concurred in.

The joint resolution was ordered to a third reading.

On motion by Mr. Hay of Clark,
The joint resolution was read a third time.

On motion by Mr. Smith of Marion,
The joint resolution was laid on the table.

Mr. Stuart called up House bill No. 308, a bill making specific appropriations for the year 1852, which was lost on its passage some days since.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beane, Brady, Bryant, Buskirk, Chowning, Davis of Sullivan, Dobson, Eccles, Geddes, Gibson, Gookins, Henry, Holman, Huffstetter, Humphreys, Hunt, Lavery, Lindsay of Howard, Manson, McDonald, McDowell, Nelson, Ray, Reynolds, Sale, Schoonover, Smith of Marion, Stover, Stuart, Wells, and Mr. Speaker—32.

Those who voted in the negative were,

Messrs. Beeson, Bulla, Carpenter, Cockrum, Cowgill, Crawford, Davis of Franklin, Dice, Donaldson, Donnohue, Doughty, Douthit, Foster, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Hicks, Holladay, Huey, King, Lawrence, Leviston, Lindsey of Fayette, Major, Mayfield, McConnell, Miller, Porter, Price, Scudder, Shanklin, Smith of Spencer, Stanfield, Struble, Suit, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Williams, Wilson, and Withers—49.

So the bill did not pass.

House bill No. 315, a bill to provide for the appointment of trustees in the civil townships of this State:

Was read a second time and considered as in committee of the whole, and reported to the House without amendment.

Mr. Bryant moved to amend the bill as follows:

Strike out in the 1st section "acts of General Assembly," and insert "common school law;" insert also the words "and a township clerk."

Which was agreed to.

The bill was then ordered to be engrossed.

Senate bill No. 167, a bill concerning licenses to vend foreign merchandize, to exhibit any caravan, menagerie, circus, rope or wire dancing, puppet show and ledgerdeman; .

Was read a third time.

Mr. Williams moved to recommit the bill with the following instructions:

Said license shall specify the name of said person licensed to sell, and no other person shall be authorized to sell under the pedler's license.

Mr. Graham moved to amend the instructions by striking out \$1000 and insert \$200.

Which was accepted.

The question then being put on recommitting the bill with the instructions,

It was disagreed to.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beane, Beeson, Brady, Bryant, Bulla, Buskirk, Chowning, Cockrum, Cowgill, Crawford, Davis of Sullivan, Dice, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gookins, Graham, Gunn, Hanna, Hart, Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Howell, Huey, Huffstetter, Humphreys, Hunt, King, Lawrence, Leviston, Lindsey of Fayette, Major, Manson, Mayfield, McConnell, McDowell, Miller, Nelson, Porter, Price, Ray, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Stevens, Stover, Struble, Suit, Sumner, Sweet, Taggart, Thompson, Walker, Wells, and Wilson—68.

Those who voted in the negative were,

Messrs. Carpenter, Donaldson, Gibson, Hay of Clark, Laverty, Watson, Williams, Withers, and Mr. Speaker—9.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

House joint resolution No. 34, a joint resolution to require the Secretary of State to publish certain acts therein named,

Was read a third time.

The question being, shall the joint resolution pass?

Those who voted in the affirmative were,

Messrs. Barker, Beane, Beeson, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Davis of Sullivan, Dice, Dobson, Donaldson, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Goudy, Gunn, Hanna, Hart, Hay of Clark, Helmer, Henry, Hicks, Holladay, Holman, Howell, Huey, Huffstetter, Hum-

phreys, Hunt, King, Lavery, Lawrence, Leviston, Lindsey of Fayette, Linsday of Howard, Major, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Nelson, Porter, Price, Ray, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Stevens, Stover, Struble, Stuart, Suit, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—78.

No person voted in the negative.

So the joint resolution passed.

Ordered that the clerk inform the Senate thereof.

House bill No. 310, a bill to increase the benefits of common schools by applying the university funds and the proceeds of the unsold lands in the reserved townships in Monroe and Gibson counties, and square No. 25, in the city of Indianapolis, to the common school system,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beane, Beeson, Bulla, Carpenter, Chowning, Crawford, Dice, Douthit, Eccles, Graham, Hays of White, Henry, Holladay, Holman, Howell, Huey, Lawrence, Leviston, Lindsey of Fayette, Major, McAllister, McDowell, Porter, Ray, Reynolds, Shanklin, Smith of Spencer, Sumner, Sweet, Thompson, Walker, Williams, Wilson, and Withers—35.

Those who voted in the negative were,

Messrs. Beach, Behm, Brady, Bryant, Buskirk, Cockrum, Cowgill, Davis of Sullivan, Donham, Donnohue, Doughty, Geddes, Gibson, Gookins, Goudy, Gunn, Hanna, Hicks, Huffstetter, Hunt, King, Lavery, Linsday of Howard, Manson, Mayfield, McDonald, Nelson, Price, Schoonover, Scudder, Smith of Marion, Stanfield, Stevens, Stover, Struble, Suit, Taggart, Watson, Wells, and Mr. Speaker—40.

So the bill did not pass.

House bill No. 247, a bill respecting foreign corporations and their agents in this State,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beane, Beeson, Behm, Brady, Bryant, Carpenter, Chowning, Cowgill, Crawford, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Donnohue, Doughty, Douthit, Eccles, Foster, Geddes, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Henry, Hicks, Holladay, Holman, Howell, Huey, Humphreys, Hunt, King, Lawrence, Leviston, Lindsay of Howard, Major, Mayfield, McAllister, McDowell, Miller, Nelson, Porter, Price, Ray, Reynolds, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stevens, Stuart, Suit, Sumner, Sweet, Taggart, Walker, Wells, Wilson, Withers, and Mr. Speaker—69.

Those who voted in the negative were,

Messrs. Lavery, McConnell, Stover, Struble, and Williams—5.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

On motion by Mr. Davis of Sullivan,
Senate bill No. 179, a bill districting the State for judicial circuits,
Was taken up and read a third time.

Mr. Stuart moved to recommit the bill to the select committee on Districting the State, with the following instructions:

Strike out from the enacting clause and insert the following:

SEC. 1. That the counties of Dearborn, Ripley, Jennings, Jefferson, Switzerland, and Ohio shall constitute the first district.

SEC. 2. The counties of Lawrence, Jackson, Orange, Scott, Clark, Washington, Crawford, Harrison, and Floyd shall constitute the second district.

SEC. 3. That the counties of Knox, Daviess, Martin, Gibson, Pike, Dubois, Posey, Vanderburgh, Warrick, Perry, and Spencer shall constitute the third district.

SEC. 4. That the counties of Vermillion, Parke, Putnam, Hendricks, Vigo, Clay, Owen, Sullivan, and Greene shall constitute the fourth district.

SEC. 5. That the counties of Brown, Monroe, Bartholomew, Shelby, Morgan, Hancock, Johnson, and Marion shall constitute the fifth district.

SEC. 6. The counties of Henry, Wayne, Rush, Union, Fayette, Decatur, and Franklin shall constitute the sixth district.

SEC. 7. That the counties of Allen, Whitley, Huntington, Wells, Adams, Grant, Blackford, Jay, Randolph, Delaware, and Madison shall constitute the seventh district.

SEC. 8. The counties of Warren, Tippecanoe, Clinton, Tipton, Hamilton, Boone, Montgomery, and Fountain shall constitute the eighth district.

SEC. 9. The counties of Jasper, Pulaski, Fulton, Benton, White, Carroll, Cass, Howard, Miami, and Wabash shall constitute the ninth district.

SEC. 10. The counties of Lake, Porter, Laporte, St. Joseph, Marshall, Starke, Elkhart, Kosciusko, Lagrange, Steuben, Noble, and DeKalb shall constitute the tenth district.

Mr. Carpenter moved to amend the instructions:

Strike out from 3d district Perry and insert it in 1st.

Which was disagreed to.

The question then recurred on recommitting the bill with the instructions of Mr. Stuart;

And being put,

The ayes and noes were demanded by Messrs. Stuart and Withers.

Those who voted in the affirmative were,

Messrs. Beane, Behm, Brady, Bryant, Bulla, Carpenter, Cockrum, Cowgill, Donaldson, Donnohue, Doughty, Douthit, Geddes, Gibson, Gookins, Goudy, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Holladay, Howell, Huey, Hunt, Laverty, Lawrence, Lindsay of Howard, Mayfield, McConnell, McDonald, Miller, Porter, Price, Reynolds, Sale, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Stevens, Stover, Stuart, Suit, Sumner, Watson, and Wilson—49.

Those who voted in the negative were,

Messrs. Barker, Beeson, Buskirk, Chowning, Crawford, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donham, Eccles, Foster, Henry, Hicks, Holman, Huffstetter, Humphreys, King, Leviston, Lindsey of Fayette, Major, McAllister, Nelson, Ray, Schoonover, Struble, Sweet, Taggart, Thompson, Walker, Williams, Withers, and Mr. Speaker—33.

So the bill was recommitted with the instructions.

House bill No. 316, a bill amendatory of the charter of the town of Clarksville in Clark and Floyd counties;

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Buskirk, Chowning, Crawford, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Donnohue, Doughty, Douthit, Eccles, Geddes, Gibson, Gookins, Goudy, Gunn, Hanna, Hart, Hay of Clark,

Hays of White, Helmer, Hicks, Holladay, Holman, Howell, Huey, Huffstetter, Humphreys, Hunt, King, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Manson, McDowell, Miller, Porter, Price, Ray, Reynolds, Sale, Schoonover, Smith of Marion, Smith of Spencer, Staton, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Watson, Wells, Wilson, and Mr. Speaker—68.

Those who voted in the negative were,

Messrs. Foster, McAllister, Nelson, Shanklin, Stanfield, Walker, Williams, and Withers—8.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

House bill No. 181, a bill for the relief of purchasers or owners of certain tracts or lots of land denominated Michigan road lands, in the county of Fulton;

Was read a third time.

The question being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beeson, Buskirk, Carpenter, Cockrum, Crawford, Dice, Dobson, Douthit, Foster, Geddes, Holladay, Holman, Huey, Leviston, Lindsey of Fayette, Lindsay of Howard, Manson, McDowell, Miller, Nelson, Price, Ray, Reynolds, Sale, Smith of Marion, Sumner, and Mr. Speaker—28.

Those who voted in the negative were,

Messrs. Barker, Beane, Brady, Chowning, Davis of Franklin, Davis of Sullivan, Donham, Donnohue, Doughty, Eccles, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Howell, Hunt, King, Lavery, Lawrence, Major, McAllister, McConnell, Schoonover, Shanklin, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Suit, Sweet, Taggart, Walker, Watson, Williams, and Withers—44.

So the bill did not pass.

Mr. Stover obtained leave and made the following report:

MR. SPEAKER:

The select joint committee on Revision, to whom was referred

House bill No. 154, a bill to authorize cities to borrow money, &c., have had the same under consideration and directed me to report the same back and recommend that it be laid on the table, similar provisions having been incorporated in the general law on the subject of cities.

Which was concurred in.

Mr. Stuart obtained leave and made the following report:

MR. SPEAKER:

The select committee to which was referred bill of the Senate No. 179, with instructions, has had the same under consideration, and amended the same in accordance with the instructions; and ask to be discharged from the further consideration of the subject.

The question being on concurring in the report of the committee, The ayes and noes were demanded by Messrs. Humphreys and McDowell.

Those who voted in the affirmative were,

Messrs. Beane, Behm, Bryant, Carpenter, Cockrum, Cowgill, Dice, Donaldson, Donnohue, Doughty, Douthit, Geddes, Gibson, Gookins, Goudy, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Holladay, Howell, Huey, Hunt, King, Lavery, Lawrence, Lindsay of Howard, Mayfield, McConnell, McDowell, Porter, Price, Reynolds, Sale, Shanklin, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Stuart, Suit, Sumner, Walker, Watson, Williams, and Wilson—49.

Those who voted in the negative were,

Messrs. Barker, Beeson, Brady, Buskirk, Chowning, Crawford, Davis of Sullivan, Dobson, Donham, Eccles, Foster, Hart, Henry, Hicks, Holman, Huffstetter, Humphreys, Leviston, Lindsey of Fayette, Major, Manson, McAllister, Nelson, Ray, Schoonover, Smith of Marion, Struble, Sweet, Taggart, Thompson, Withers, and Mr. Speaker—32.

So the report of the committee was concurred in.

On motion by Mr. Holman,

A call of the House was ordered.

The clerk proceeded with the call when the following members answered to their names:

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Holman, Howell, Huey, Huffstetter, Humphreys, Hunt, King, Lavery, Lawrence, Leviston, Lindsey of Fayette, Linsday of Howard, Major, Manson, Mayfield, McAllister, McConnell, McDowell, Nelson, Porter, Price, Ray, Reynolds, Sale, Schoonover, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Williams, Wilson, Withers, and Mr. Speaker.

Mr. Linsday of Howard moved that the absentees be sent for.

On motion by Mr. Davis of Sullivan,

The further call was House dispensed with.

The question then recurred on the passage of the bill.

And being put,

Those who voted in the affirmative were,

Messrs. Beane, Behm, Bryant, Bulla, Carpenter, Cockrum, Cowgill, Dice, Donaldson, Donnohue, Doughty, Douthit, Geddes, Gibson, Gookins, Goudy, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Hicks, Holladay, Howell, Huey, Hunt, King, Lawrence, Linsday of Howard, Mayfield, McConnell, McDowell, Porter, Price, Reynolds, Sale, Shanklin, Smith of Spencer, Stanfield, Staton, Stevens, Stuart, Suit, Sumner, Walker, Watson, Williams, and Wilson—49.

Those who voted in the negative were,

Messrs. Barker, Beeson, Brady, Buskirk, Chowning, Crawford, Davis of Sullivan, Dobson, Donham, Eccles, Foster, Hart, Henry, Holman, Huffstetter, Humphreys, Leviston, Lindsey of Fayette, Major, Manson, McAllister, Nelson, Ray, Schoonover, Smith of Marion, Struble, Sweet, Taggart, Thompson, Withers, and Mr. Speaker—31.

So the bill did not pass.

Mr. Stuart obtained leave and made the following report:

MR. SPEAKER:

In obedience to a resolution of the House, the undersigned would respectfully report that Washington L. Black acted as clerk of the

committee on the organization of courts ninety-two days; during that period Mr. Black done a great deal of work for other committees; and the committee are happy to bear testimony to his industry and fidelity.

W. Z. STUART,

Chairman of the committee on Organization.

Leave was granted Mr. Gunn to record his vote of the 11th inst., on the passage of Senate joint resolution No. 189.

He voted in the negative.

No. 312. A bill supplemental to an act entitled "an act to establish courts of common pleas, and defining the jurisdiction and duties and providing the compensation for the judges thereto,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Bulla, Chowning, Dobson, Donaldson, Donham, Donnohue, Doughty, Douthit, Eccles, Foster, Graham, Hanna, Hart, Hays of White, Helmer, Henry, Holman, Howell, Huffstetter, Humphreys, Lawrence, Leviston, Lindsey of Fayette, Major, Manson, Mayfield, McAllister, McConnell, McDowell, Nelson, Porter, Ray, Shanklin, Smith of Marion, Smith of Spencer, Stevens, Struble, Stuart, Taggart, Thompson, Watson, Williams, and Withers—49.

Those who voted in the negative were,

Messrs. Behm, Buskirk, Carpenter, Cockrum, Davis of Sullivan, Dice, Geddes, Gunn, Hay of Clark, Huey, Hunt, King, Lindsay of Howard, Reynolds, Sale, Schoonover, Stanfield, Staton, Suit, Sumner, and Walker—22.

So the bill did not pass?

House bill No. 311; a bill supplemental to a bill to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors and the prescribing the duties thereof,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Behm, Bulla, Cockrum, Cowgill, Crawford, Davis of Franklin, Dice, Donaldson, Donham,

Donnohue, Doughty, Douthit, Eccles, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Holladay, Holman, Huey, Hunt, Leviston, Linsey of Fayette, Lindsay of Howard, Mayfield, McDowell, Miller, Nelson, Price, Sale, Smith of Spencer, Stanfield, Staton, Stevens, Suit, Sumner, Thompson, Walker, Watson, Williams, Wilson, Withers, and Mr. Speaker—49.

Those who voted in the negative were,

Messrs. Brady, Bryant, Buskirk, Carpenter, Davis of Sullivan, Geddes, Hays of White, Helmer, Henry, Hicks, Huffstetter, Humphreys, King, Lawrence, Manson, McAllister, McConnell, Porter, Ray, Reynolds, Schoonover, Shanklin, Smith of Marion, Struble, Stuart, Sweet, and Taggart—27.

So the bill did not pass.

Mr. Holman called up House bill

No. 312. A bill supplemental to an act entitled "an act to establish courts of common pleas, and defining the jurisdiction and duties and providing compensation for the judges thereto,

Which was lost on its passage this morning.

By unanimous consent of the House,

On motion by Mr. Holman,

The bill was amended by striking out all in relation to the salary of the judge.

Mr. Davis of Sullivan moved to commit the bill to a select committee with instructions to add Vigo to the counties of Sullivan, Clay, Owen and Greene.

Mr. Manson moved to amend the instructions by adding the county of Fountain to the counties of Montgomery and Boone.

Which was disagreed to.

The question then recurred on committing the bill;

And being put,

It was agreed to.

Messrs. Davis of Sullivan, Humphreys and Holman were appointed said committee.

On motion by Mr. Behm,

The House adjourned.

2 o'clock, P. M.

The House met.

Mr. Brady obtained leave and presented the remonstrance of 714 legal voters of the corporation of the city of Indianapolis, remonstrating against the repeal of the charter of said city, accompanied with a certificate of the secretary of the city council on the same subject.

Which,

On motion,

Was referred to the same select committee heretofore appointed on that subject.

By unanimous consent of the House,

Mr. Miller obtained leave and introduced

No. 317. A bill to appropriate unappropriated Michigan road land funds to school purposes;

Which was read a first time and passed to a second reading.

Senate bill No. 191, a bill to quiet the title to lands granted for the purpose of county seats, and to legalize the sale of any such lands or any part thereof,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beane, Beeson, Brady, Bryant, Buskirk, Chowning, Cockrum, Cowgill, Crawford, Davis of Franklin, Donaldson, Donham, Donnohue, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Goudy, Graham, Gunn, Hanna, Hay of Clark, Henry, Hicks, Holman, Howell, Huey, Humphreys, Hunt, King, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Mayfield, McConnell, McDowell, Miller, Nelson, Price, Ray, Reynolds, Sale, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—68.

Those who voted in the negative were,

Messrs. Doughty and Helmer—2.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

Mr. Miller called up House bill

No. 311. A bill supplemental to a bill to provide for the valuation and assessment of the real and personal property, &c.

Mr. Miller moved to recommit the bill with the following instructions:

SEC. 2. No species of property in this State shall hereafter be exempt from taxation under color of being employed or used for municipal, educational, literary, scientific, or charitable purposes, where the same is used either directly or indirectly for purposes of gain.

Mr. King moved to amend the instructions so as to strike out the words "within this State."

On motion by Mr. Buskirk,

The further consideration of the subject was postponed until Monday the 14th inst., at 2 o'clock, P. M.

Senate joint resolution No. 194, a joint resolution in relation to the lands granted by the United States to the State of Indiana, for the use of common schools,

Was read a third time.

On motion by Mr. Bryant,

The joint resolution was laid on the table.

Senate bill No. 105, a bill regulating the vending of spirituous liquors,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beane, Bryant, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Davis of Franklin, Dice, Donaldson, Donnohue, Doughty, Douthit, Gibson, Gookins, Goudy, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay, Hunt, Lavery, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, McConnell, McDowell, Miller, Nelson, Porter, Price, Sale, Shanklin, Smith of Spencer, Stanfield, Staton, Stevens, Struble, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, and Williams—52.

Those who voted in the negative were,

Messrs. Barker, Beeson, Brady, Crawford, Davis of Sullivan, Donham, Eccles, Foster, Graham, Hart, Holman, Howell, Huey, Hufstetter, Humphreys, Major, Manson, Mayfield, Ray, Reynolds, Schoonover, Smith of Marion, Stover, Wilson, Withers, and Mr. Speaker—26.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

By unanimous consent of the House,

Mr. Davis of Sullivan obtained leave and made the following report:

MR. SPEAKER:

The select committee to whom was referred House bill No. 312, have had the same under consideration and have directed me to report the same back amended according to the instructions.

Add before the last section of the bill the following section:

SEC. —. That the counties of Vigo, Owen, Greene, Sullivan and Clay shall constitute a district for the election of a judge of the court of common pleas of said counties.

The question being put on concurring in the report:

It was disagreed to.

The question then recurred on the passage of the bill.

And being put,

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Brady, Bryant, Chowning, Cowgill, Crawford, Davis of Franklin, Davis of Sullivan, Dobson, Donaldson, Donham, Donnohue, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Graham, Gunn, Hart, Hays of White, Henry, Holman, Howell, Huey, Huffstetter, Humphreys, Hunt, Lawrence, Leviston, Lindsey of Fayette, Linsday of Howard, Major, Manson, McConnell, McDowell, Miller, Nelson, Porter, Price, Ray, Sale, Shanklin, Smith of Marion, Smith of Spencer, Stevens, Stover, Struble, Stuart, Sumner, Sweet, Taggart, Thompson, Watson, Williams, Wilson, Withers, and Mr. Speaker—61.

Those who voted in the negative were,

Messrs. Behm, Dice, Goudy, Hanna, Hicks, Holladay, King, Reynolds, Schoonover, Walker, and Wells—11.

So the bill passed.

Ordered that the Clerk inform the Senate of the passage of the bill.

Senate bill No. 195, a bill to provide that the purchasers of real estate forfeited to the sinking fund, who are the legal owners, but who have purchased the State's interest for a sum greater than that due the State and interest thereon, shall not be compelled to pay to the commissioners of the fund the overplus and interest thereon;

Was read a third time.

The question being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beane, Beeson, Behm, Brady, Buskirk, Carpenter, Chowning, Cowgill, Crawford, Davis of Franklin, Davis of Sullivan, Dice, Donaldson, Donham, Donnohue, Doughty, Douthit, Eccles, Foster, Geddes, Gookins, Goudy, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Henry, Hicks, Holladay, Howell, Huey, Huffstetter, Humphreys, Hunt, King, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Manson, Mayfield, McConnell, McDowell, Miller, Nelson, Porter, Price, Ray, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stevens, Stover, Struble, Stuart, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams, Wilson, Withers and Mr. Speaker—70.

Those who voted in the negative were,

Messrs. Cockrum and Holman—2.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

A message from the Senate, by Mr. Dunn, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following resolution :

Resolved, That the House of Representatives be respectfully requested to return to the Senate bill No. 176 of the House, entitled "an act to provide for the organization of canal and water works companies;"

In which the concurrence of the House is respectfully requested.

Ordered, that the clerk return the said bill in compliance with the resolution of the Senate.

On motion by Mr. Humphreys,

The following message from the Senate was taken up—

A message from the Senate, by Mr. Dunn, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill thereof:

No. 171. An act to authorize the change and relocation of county

seats, and to point out the rules and restrictions governing such relocations.

In which the concurrence of the House is respectfully requested.

The Senate bill contained in the foregoing message was read a first time and passed to a second reading.

A message from the Senate by Mr. Dunn their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House;

No. 256. An act to provide for township elections;

With sundry engrossed amendments of the Senate thereto.

In which the concurrence of the House is respectfully requested.

The amendments of the Senate were concurred in.

Ordered that the Clerk inform the Senate thereof.

A message from the Senate, by Mr. Dunn, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bills of the House:

No. 285. A bill providing for the election or appointment of supervisors of highways and prescribing certain of their duties and those of county and township officers in relation thereto.

No. 287. An act for the protection of sheep.

With sundry engrossed amendments of the Senate thereto.

In which the concurrence of the House is respectfully requested.

Mr. Taggart moved to refer the bill and amendments of the Senate to House bill No. 285, to the committee on roads.

Which was disagreed to.

The engrossed amendment of the Senate to House bill No. 285 were concurred in.

The amendments of the Senate to House bill No. 287, contained in the foregoing message were concurred in.

Ordered, that the clerk inform the Senate thereof.

A message from the Senate by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representa-

tives that the Senate has passed the following engrossed bill of the House:

No. 283. An act regulating the fees of officers.

With sundry engrossed amendments of the Senate thereto.

In which the concurrence of the House is respectfully requested.

Mr. Buskirk moved to lay the amendments on the table.

Which was disagreed to.

The amendments were considered separately.

The 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, and 12th amendments were concurred in.

The question being put on concurring in the 13th to 22d amendments inclusive, of the Senate in relation to reducing the fees of the prosecuting attorney,

The ayes and noes were demanded by Messrs. Holman and Sale.

Those who voted in the affirmative were,

Messrs. Barker, Carpenter, Chowning, Cockrum, Crawford, Davis of Franklin, Davis of Sullivan, Donaldson, Donham, Donnohue, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Howell, Huey, Humphreys, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, McDonald, McDowell, Miller, Porter, Reynolds, Shanklin, Smith of Spencer, Staton, Stover, Struble, Sumner, Sweet, Taggart, Thompson, Walker, Wells, Williams, Wilson, Withers, and Mr. Speaker—53.

Those who voted in the negative were,

Messrs. Beane, Beeson, Brady, Bryant, Buskirk, Cowgill, Dice, Dobson, Gookins, Holladay, Holman, Huffstetter, Hunt, Kent, Manson, McConnell, Nelson, Price, Ray, Sale, Smith of Marion, Stanfield, Stevens, Stuart, Suit, and Torbet—26.

So the amendments of the Senate were concurred in.

The question being on concurring in the 23d amendment,

Mr. Gibson moved to strike out "masters in chancery;"

Which was disagreed to.

The 23d amendment was then concurred in.

Ordered that the clerk inform the Senate thereof.

Mr. Huffstetter, chairman of the committee on Roads, obtained leave and made the following report, in obedience to a resolution of the House:

MR. SPEAKER :

In accordance with a resolution of the House, the committee on Roads report that B. F. Wallace was employed as clerk for said committee twenty-seven days.

D. S. HUFFSTETTER,
Chairman committee on Roads.

Mr. Reynolds, from the committee on Enrolled Bills, made the following report:

MR. SPEAKER :

The committee on Enrolled Bills have compared the following enrolled with the engrossed bills of the House of the corresponding number, and report them to the House correctly enrolled.

No. 48. An act to provide for the sale of county seminaries and the property belonging thereto, and to transfer the proceeds thereof to the common school fund, after deducting advances made by individuals, and to repay such advances.

No. 216. An act regarding inspectors of salt, beef, pork, flour, tobacco and hay.

No. 284. An act to authorize the construction of levees and drains.

No. 292. An act to repeal sections five and six of an act entitled "an act to establish a free turnpike road in Jay county," approved January 13, 1845 ; also, to repeal so much of section five of an act entitled "an act to establish a free turnpike road," approved Feb. 12, 1851, as applies to that portion of the above named roads lying in Jay county.

No. 305. Act act to extend the terms of the probate courts of Daviess county.

Whereupon the Speaker signed the same.

Ordered that the clerk inform the Senate thereof.

Mr. Cowgill, from the committed on Enrolled Bills, made the following report:

MR. SPEAKER :

The committee on Enrolled Bills have compared the following enrolled bill of the House with the engrossed of the corresponding number, and report the same to the House correctly enrolled:

No. 137. An act to provide for a general and uniform system of common schools and school libraries, and matters properly connected therewith.

Whereupon the Speaker signed the same.

Ordered that the Clerk inform the Senate thereof.

Mr. Smith of Marion, chairman of the committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The committee on Enrolled Bills have compared the following enrolled with the engrossed bill of the House of the corresponding numbers, and report the same to the House correctly enrolled:

No. 164. An act to repeal an act entitled "an act to amend an act authorizing the construction of plank roads, approved Jan. 15th, 1849," approved Jan. 14th, 1850.

Whereupon the Speaker signed the same.

Ordered that the clerk inform the Senate thereof.

Mr. Lavery, from the joint committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The joint committee on Enrolled Bills have this day presented to the Governor for his approval enrolled bill of the House No. 137.

Mr. Lavery, from the joint committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The joint committee on Enrolled bills have this day presented to the Governor for his approval, enrolled bills of the House numbered 48, 164, 216, 284, 292 and 305.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bill of the House:

No. 267. A bill to provide for the opening, vacating and change of highways;

Without amendment.

A message from the Senate by Mr. Dunn, their secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives
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that the Senate has receded from its 2d engrossed amendment to engrossed bill of the House No. 291, "an act supplemental to an act entitled an act to regulate the sale of the swamp lands donated by the United States to the State of Indiana, &c."

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the following resolution of the House:

Resolved, The Senate concurring, that the joint resolution fixing the 15th inst. as the day of adjournment, is hereby rescinded, and that the General Assembly will adjourn *sine die* on the 21st inst.

A message from the Senate by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the engrossed amendments of the House to engrossed bill of the Senate No. 143, "an act for the incorporation of insurance companies, defining their powers and prescribing their duties in relation to foreign insurance companies and their agents."

A message from the Senate by Mr. Dunn their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the engrossed amendments of the House to engrossed bill of the Senate No. 186, "a bill for the organization of county boards and prescribing some of their powers and duties."

A message from the Governor by Mr. King executive messenger:

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives that he has approved and signed the following bills, to-wit:
No. 290, an act touching the qualifications of officers of municipal

corporations, and also the qualifications of electors at municipal elections, and repealing all laws inconsistent with this act.

No. 48, an act to provide for the sale of county seminaries and the property belonging thereto, and to transfer the proceeds thereof to the common school fund, after deducting advances made by individuals, and to repay such advances.

No. 164, an act to repeal an act entitled "an act to amend an act authorizing the construction of plank roads, approved January 15th, 1849," approved January 14th, 1850.

No. 216, an act regarding inspectors of salt, beef, pork, flour, tobacco and hay.

No. 284, an act to authorize the construction of levees and drains.

No. 292, an act to repeal sections five and six of an act entitled "an act to establish a free turnpike road in Jay county," approved Jan. 13th, 1845; also, to repeal so much of section five of an act entitled "an act to establish a free turnpike road," approved Feb. 12th, 1851, as applies to that portion of the above named roads lying in Jay county.

No. 305, an act to extend the terms of the probate courts of Daviess county.

Which bills originated in the House of Representatives.

On motion by Mr. King,
The House adjourned.

MONDAY MORNING, 7½ o'clock, }
June 14, 1852. }

The House met.

The Speaker being absent,
On motion by Mr. Williams,
Mr. Withers was called to the Chair.

On motion,
The reading of the journal was dispensed with.

ORDERS OF THE DAY.

House bill No. 315, a bill to provide for the appointment of trustees in the civil townships of this State;

Was read a third time.

Mr. Manson moved a call of the House;

Which motion did not prevail.

The question then recurred on the passage of the bill;

And being put,

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Behm, Bryant, Chowning, Cockrum, Cowgill, Crawford, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Donnohue, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Goudy, Graham, Gunn, Hanna, Hay of Clark, Hicks, Holladay, Holman, Howell, Huey, Huffstetter, Humphreys, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Manson, McConnell, McDowell, Miller, Nelson, Price, Ray, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Stover, Struble, Stuart, Sumner, Sweet, Taggart, Thompson, Walker, Wells, Williams, Wilson, and Mr. Speaker—64.

Those who voted in the negative were,

Messrs. Davis of Franklin, McDonald, Sale, and Withers—4.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

No. 317. A bill to appropriate unappropriated Michigan road land funds to school purposes;

Was read a second time, and considered as in committee of the whole and reported to the House without amendment.

The bill was ordered to be engrossed.

On motion by Mr. Crawford,

Leave of absence was granted Mr. Lavery on account of sickness.

No. 314. A bill supplementary to an act for the incorporation of cities;

Was read a second time and considered as in committee of the whole and reported to the House without amendment.

Mr. Smith of Marion moved to lay the bill on the table;

Which was disagreed to.

The bill was then ordered to be engrossed.

On motion by Mr. Huffstetter,

Leave of absence was granted Mr. Schoonover from and after Thursday next.

Senate bill No. 171, a bill to authorize the change and relocation of county seats, and to point out the rules and restrictions governing such relocation,

Was read a second time and considered as in committee of the Whole, and reported to the House without amendment.

On motion by Mr. Smith of Spencer,

The bill was laid on the table.

On motion by Mr. Stanfield,

House bill No. 309, a bill making general appropriations for the year 1852,

Was taken from the table.

Mr. English moved to recommit the bill with the following instructions:

Amend the bill by adding to the end thereof the specific appropriation bill, leaving the amount to be paid the clerks in blank.

Mr. Holladay moved to amend the instructions as follows:

Strike out the \$200 appropriation for expenses in the sale of the State stock in the Madison and Indianapolis railroad.

Mr. Williams moved to amend the amendment as follows:

Strike out \$200 and insert \$100 for Auditor of State.

Which was disagreed to.

Mr. Beeson moved to reconsider the vote just taken.

Which was disagreed to.

The question then recurred on the adoption of Mr. Holladay's amendment;

And being put,

It was agreed to.

Mr. Williams moved to amend the instructions by filling the blank with three dollars;

And the question being put,

The ayes and noes were demanded by Messrs. Williams and Doughty.

Those who voted in the affirmative were,

Messrs. Beane, Carpenter, Cockrum, Crawford, Davis of Franklin, Doughty, Eccles, Foster, Gunn, Hart, Hicks, Holladay, Howell, Huey, Lawrence, Leviston, Major, Mayfield, Price, Shanklin, Struble, Suit, Taggart, Thompson, Williams, and Wilson—26.

Those who voted in the negative were,

Messrs. Barker, Beach, Beane, Beeson, Behm, Bryant, Buskirk, Chowning, Cowgill, Davis of Sullivan, Dice, Donaldson, Donham, Donnohue, Douthit, Geddes, Gibson, Gookins, Goudy, Hanna, Hay of Clark, Henry, Holman, Humphreys, Hunt, King, Lindsey of Fayette, Lindsay of Howard, McConnell, McDonald, McDowell, Nelson, Ray, Reynolds, Sale, Schoonover, Smith of Marion, Smith of Spencer, Stevens, Stover, Stuart, Sweet, Walker, Wells, Withers and Mr. Speaker—45.

So the amendment was disagreed to.

Mr. Taggart moved to amend the instructions by filling up the blank at \$350.

And the question being put,

The ayes and noes were demanded by Messrs. Taggart and Carpenter.

Those who voted in the affirmative were,

Messrs. Barker, Beane, Beeson, Davis of Sullivan, Dice, Dobson, Donham, Doughty, Gunn, Henry, Howell, Leviston, Manson, Miller, Ray, Reynolds, Sweet, Taggart, Walker, and Mr. Speaker—20.

Those who voted in the negative were,

Messrs. Beach, Behm, Bryant, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Davis of Franklin, Donaldson, Donnohue, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Goudy, Graham, Hanna, Hart, Hay of Clark, Hicks, Holladay, Holman, Huey, Humphreys, Hunt, King, Lawrence, Lindsey of Fayette, Lindsay of Howard, Major, Mayfield, McConnell, McDonald, McDowell, Nelson, Price, Sale, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Stevens, Stover, Struble, Stuart, Suit, Sumner, Thompson, Wells, Williams, Wilson, and Withers—57.

So the amendment was disagreed to.

Mr. King moved to amend the instructions as follows:

Fill the blank with \$4 for secretaries and assistant secretaries of the Senate and the clerks and assistant clerks of the House; and \$4 for Stephen G. Dodge clerk to committee on Ways and Means, and Charles P. Ferguson clerk of the committee on the Judiciary; and \$— for all other clerks to committees.

Mr. Davis of Sullivan moved to amend the amendment by adding after the word "dollars," as to pay of committee clerks, "and fifty cents."

Which was disagreed to,

Mr. Gunn moved to amend the amendment by inserting \$3,50 for all clerks of committees.

And the question being put,

The ayes and noes were demanded by Messrs. Behm and Gibson.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Bryant, Dobson, Donaldson, Donham, Gookins, Graham, Gunn, Hanna, Henry, Holman, Howell, Humphreys, Manson, McConnell, McDonald, McDowell, Nelson, Schoonover, Smith of Spencer, Struble, Walker, Wells, and Mr. Speaker—27.

Those who voted in the negative were,

Messrs. Behm, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Davis of Sullivan, Dice, Donnohue, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Hart, Hay of Clark, Hays of White, Hicks, Holladay, Huey, Hunt, King, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Mayfield, Miller, Price, Ray, Reynolds, Sale, Shanklin, Smith of Marion, Stanfield, Stevens, Stover, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Williams, Wilson, and Withers—50.

So the amendment to the amendment was disagreed to.

Mr. Lawrence moved to amend the amendment by allowing the clerks mileage.

Mr. Gibson called the previous question ;

Which was seconded by the House, and the main question ordered.

The main question being, shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Chowning, Cowgill, Davis of Sullivan, Dice, Donaldson, Donham, Donnohue, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Goudy, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Henry, Hicks, Holladay, Holman, Huey, Humphreys, Hunt, King, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Mayfield, McConnell, McDonald, Miller, Price, Ray, Reynolds, Sale, Schoonover, Smith of Marion, Smith of Spencer, Stanfield, Stevens, Stover, Struble, Stuart, Suit, Sumner, Taggart, Torbet, Thompson, Walker, and Wells—63.

Those who voted in the negative were, -

Messrs. Carpenter, Cockrum, Crawford, Davis of Franklin, Dobson, Graham, Manson, McDowell, Nelson, Porter, Shanklin, Sweet, Williams, Wilson, Withers, and Mr. Speaker—16.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

Mr. Donaldson moved to reconsider the vote by which House bill No. 308. A bill making specific appropriations for the year 1852; Was lost on its passage.

Which was agreed to.

The question then being, shall the bill pass?

Mr. Suit moved to recommit the bill with the following instructions:

Amend by allowing all secretaries, clerks, and clerks of committees, and doorkeepers, at three dollars and fifty cents per day.

And the question being put,

The ayes and noes were demanded by Messrs. Suit and King.

Those who voted in the affirmative were,

Messrs. Barker, Beane, Beeson, Behm, Dobson, Doughty, Goudy, Gunn, Henry, Howell, Manson, Porter, Stanfield, Struble, Suit, Sweet, Taggart, Walker, Wells, Wilson, and Mr. Speaker—21.

Those who voted in the negative were,

Messrs. Beach, Brady, Bryant, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Davis of Franklin, Davis of Sullivan, Dice, Donaldson, Donham, Donnohue, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Graham, Hanna, Hart, Hay of Clark, Hays of White, Hicks, Holladay, Holman, Huey, Huffstetter, Hunt, King, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Mayfield, McConnell, McDonald, McDowell, Miller, Nelson, Price, Ray, Reynolds, Sale, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Stevens, Stover, Stuart, Sumner, Thompson, Torbet, Williams, and Withers—60.

So the bill was not recommitted with instructions.

Mr. Manson moved to lay the bill on the table.

Which was disagreed to.

On motion by Mr. Williams,

The vote taken on recommitting the bill with the instructions of Mr. Suit was reconsidered.

The question then recurred on recommitting the bill with the instructions of Mr. Suit.

Mr. King moved to amend the instructions by striking out the instructions and insert in lieu thereof the following:

Allow all Secretaries and Assistant Secretaries of the Senate, and the Clerk and Assistant Clerk and their assistants, and Stephen G. Dodge and C. P. Ferguson \$4 per day.

Mr. Suit moved to amend the amendment by fixing the compensation of Washington Black at \$4.

Mr. Buskirk moved to lay the whole subject on the table;

Which was disagreed to.

The question then recurred on the amendment of Mr. Suit;

And being put,

The ayes and noes were demanded by Messrs. Suit and Henry.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Behm, Buskirk, Chowning, Dobson, Gookins, Hanna, Hay of Clark, Hays of White, Henry, Holman, Huffstetter, Humphreys, Hunt, Manson, McConnell, McDowell, Nelson, Reynolds, Sale, Smith of Marion, Stanfield, Stover, Stuart, Suit, Torbet, and Wilson—30.

Those who voted in the negative were,

Messrs. Brady, Bryant, Bulla, Carpenter, Cockrum, Cowgill, Crawford, Davis of Franklin, Davis of Sullivan, Dice, Donaldson, Donham, Donnohue, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Goudy, Graham, Gunn, Hart, Hicks, Holladay, Huey, King, Lawrence, Major, Mayfield, McDonald, Miller, Porter, Price, Ray, Shanklin, Smith of Spencer, Stevens, Struble, Sumner, Sweet, Taggart, Walker, Wells, Williams, Withers, and Mr. Speaker—47.

So the amendment to the amendment was disagreed to.

Mr. McDonald moved to amend the amendment by allowing the committee clerks \$3;

Which was accepted by Mr. King.

Mr. Davis of Sullivan called the previous question;

Which was not seconded by the House.

Mr. McConnell moved to amend the amendment as follows:

That the Principal and Assistant Secretaries of the Senate and the Principal and Assistant Clerks of the House be allowed \$4 per day, and all other clerks \$3 50; and that the Principal and Assistant Door-keepers of the Senate and House be allowed \$3 50 per day.

Which was disagreed to.

Mr. Hicks moved to amend the amendment as follows:

Amend instructions so as to allow all Clerks and their Assistants, all Secretaries and their Assistants, and all Door-keepers and their Assistants \$3 per day and mileage; also to strike out \$200 pay for sale of State stock of Madison and Indianapolis Railroad by Mr. Ellis.

Which was disagreed to.

The question then recurred on the adoption of Mr. King's amendment;

And being put,

The ayes and noes were demanded by Messrs. King and Suit.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Bryant, Bulla, Chowning, Cowgill, Dice, Donham, Donnohue, Douthit, Eccles, Foster, Geddes, Graham, Gunn, Hanna, Hart, Hays of White, Henry, Howell, Huffstetter, Humphreys, King, Leviston, Lindsey of Fayette, Major, Manson, Mayfield, McConnell, McDonald, McDowell, Miller, Nelson, Porter, Price, Ray, Sale, Schoonover, Shanklin, Smith of Spencer, Stevens, Struble, Sumner, Sweet, Walker, Wells and Mr. Speaker—50.

Those who voted in the negative were,

Messrs. Behm, Buskirk, Carpenter, Cockrum, Crawford, Davis of Franklin, Davis of Sullivan, Dobson, Donaldson, Doughty, Gibson, Gookins, Hay of Clark, Hicks, Holladay, Holman, Huey, Hunt, Reynolds, Scudder, Smith of Marion, Stanfield, Stover, Stuart, Suit, Taggart, Thompson, Torbet, Watson, Williams, Wilson, and Withers—32.

So the amendment was agreed to.

Mr. Doughty moved to amend the amendment as follows:

Amend so as to allow J. Herrington \$1 50 per day instead of \$3 00; strike out all that part of the bill relating to allowing Mr. Kent for printing extra copies of the constitution.

Which was disagreed to.

Mr. Reynolds called the previous question;

Which was not seconded by the House.

The question then recurred on recommitting the bill with the instructions as amended;

And being put,

The ayes and noes were demanded by Messrs. Suit and Behm.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Bryant, Bulla, Cow-

gill, Dice, Donaldson, Donham, Donnohue, Douthit, Eccles, Foster, Geddes, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Henry, Howell, King, Leviston, Lindsey of Fayette, Linsday of Howard, Major, Manson, Mayfield, McConnell, McDonald, McDowell, Miller, Nelson, Porter, Price, Ray, Sale, Shanklin, Smith of Spencer, Stevens, Struble, Sumner, Sweet, Walker, Wells, and Mr. Speaker—50.

Those who voted in the negative were,

Messrs. Behm, Buskirk, Carpenter, Chowning, Cockrum, Crawford, Davis of Franklin, Davis of Sullivan, Gibson, Gookins, Hicks, Holladay, Holman, Huey, Huffstetter, Humphreys, Hunt, Lawrence, Reynolds, Schoonover, Smith of Marion, Stanfield, Stover, Stuart, Suit, Taggart, Thompson, Watson, Williams, Wilson, and Withers—31.

So the bill was recommitted to a select committee with the instructions.

Messrs. King, McDonald and Beach were appointed said committee.

Mr. Stover moved to take from the table joint resolution No. 192.

Which was disagreed to.

Mr. King obtained leave and made the following report:

MR. SPEAKER:

The select committee to whom was referred bill of the House No. 308, "a bill making specific appropriations for the year 1852, with specific instructions," have had the same under consideration, and report the same back amended as directed.

Which was concurred in.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Bulla, Chowning, Cowgill, Dice, Dobson, Donaldson, Donham, Donnohue, Douthit, Eccles, Foster, Geddes, Gookins, Hanna, Hays of White, Henry, Howell, Huffstetter, Humphreys, Hunt, Lawrence, Leviston, Lindsey of Fayette, Manson, McConnell, McDonald, McDowell, Nelson, Price, Ray, Sale, Schoonover, Smith of Marion, Smith of Spencer, Stover, Struble, Stuart, Sumner, Sweet, Wells, and Mr. Speaker.—46.

Those who voted in the negative were,

Messrs. Behm, Buskirk, Carpenter, Cockrum, Crawford, Davis of Franklin, Davis of Sullivan, Doughty, Gibson, Goudy, Graham, Gunn, Hart, Hay of Clark, Hicks, Holladay, Holman, Huey, King, Lindsay of Howard, Major, Mayfield, Miller, Porter, Reynolds, Shanklin, Stanfield, Stevens, Suit, Taggart, Thompson, Walker, Watson, Williams, Wilson, and Withers—36.

So the bill did not pass.

Mr. Buskirk moved to suspend the order of business to enable him to introduce a bill;

Which was disagreed to.

On motion by Mr. Humphreys,

The vote taken on the passage of House bill No. 308, was reconsidered.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Bryant, Chowning, Cowgill, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Douthit, Eccles, Foster, Geddes, Gookins, Hanna, Hays of White, Henry, Howell, Huffstetter, Humphreys, Hunt, Leviston, Lindsey of Fayette, Lindsay of Howard, McDonald, McDowell, Nelson, Price, Ray, Schoonover, Smith of Marion, Smith of Spencer, Stover, Struble, Stuart, Sumner, Sweet, Taggart, Walker, Wells, and Mr. Speaker—45.

Those who voted in the negative were,

Messrs. Behm, Bulla, Carpenter, Cockrum, Crawford, Davis of Franklin, Doughty, Gibson, Goudy, Graham, Gunn, Hart, Hay of Clark, Hicks, Holladay, Holman, Huey, King, Lawrence, Major, Manson, Mayfield, McConnell, Reynolds, Shanklin, Stanfield, Stevens, Suit, Thompson, Watson, Williams, and Wilson—32.

So the bill did not pass.

Mr. Behm moved the House adjourn;

Which was disagreed to.

On motion by Mr. Sumner the vote just taken on the passage of House bill No. 308, was reconsidered.

On motion by Mr. Sumner,

The bill was laid on the table.

By unanimous consent of the House,

Mr. Bryant obtained leave and offered the following preamble and resolution:

WHEREAS, The report of the Warden of the State Prison to the Constitutional Convention exhibits the deplorable fact that children of tender years have been consigned to that school of infamy; and

WHEREAS, The Constitution of the State has made it the duty of the General Assembly to provide Houses of Refuge for juvenile offenders; and

WHEREAS, It is not the intention of this General Assembly to neglect any Constitutional duty: therefore,

Resolved, That the committee on Scientific and Benevolent Institutions are hereby instructed to report a bill for the establishment of a House of Refuge for juvenile offenders.

The resolution was agreed to.

Mr. Stover moved to take Senate joint resolution No. 192 from the table;

Which was disagreed to.

Mr. Smith of Spencer moved to take from the table Senate bill No. 127;

Which was disagreed to.

Mr. Doughty called up Senate bill No. 179, a bill districting the State for judicial purposes, which was lost on its passage on yesterday.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Behm, Bryant, Bulla, Carpenter, Cockrum, Cowgill, Davis of Franklin, Davis of Sullivan, Dice, Donaldson, Donnohue, Doughty, Douthit, Geddes, Gibson, Gookins, Goudy, Gunn, Hanna, Hay of Clark, Hays of White, Hicks, Holladay, Howell, Huey, Hunt, King, Lawrence, Lindsay of Howard, Manson, Mayfield, McConnell, McDonald, Miller, Price, Reynolds, Sale, Shanklin, Smith of Spencer, Stanfield, Stevens, Stover, Stuart, Sumner, Taggart, Walker, Watson, Williams, Wilson, and Mr. Speaker—52.

Those who voted in the negative were,

Messrs. Barker, Beeson, Brady, Buskirk, Chowning, Dobson, Donham, Eccles, Foster, Hart, Henry, Holman, Huffstetter, Humphreys, Leviston, Lindsey of Fayette, Major, Nelson, Ray, Schoonover, Smith of Marion, Struble, Suit, Sweet, Thompson, Torbet, Wells, and Withers—29.

So the bill passed.

Ordered, that the Clerk inform the Senate thereof.

On motion by Mr. Torbet,

The vote by which House bill No. 282, a bill to establish a House of Refuge for juvenile offenders in the State of Indiana, was lost on its passage some days since, was reconsidered.

Mr. Behm moved to recommit the bill to the committee on Scientific and Benevolent Institutions, with instructions to provide for a House of Refuge in each supreme district;

And the question being put,

The ayes and noes were demanded by Messrs. Behm and Lindsay of Howard.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Behm, Cockrum, Davis of Sullivan, Donham, Donnohue, Gibson, Gookins, Graham, Gunn, Henry, Hicks, Holman, Lawrence, Leviston, Major, Manson, McDowell, Sale, Smith of Spencer, Stanfield, Struble, Stuart, Suit, Walker, and Wilson—28.

Those who voted in the negative were,

Messrs. Beeson, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cowgill, Crawford, Davis of Franklin, Dice, Donaldson, Doughty, Douthit, Eccles, Foster, Geddes, Goudy, Hanna, Hart, Hay of Clark, Holladay, Howell, Huey, Huffstetter, Hunt, King, Lindsey of Fayette, Lindsay of Howard, Mayfield, McDonald, Miller, Nelson, Porter, Price, Ray, Reynolds, Schoonover, Shanklin, Smith of Marion, Stevens, Stover, Sumner, Sweet, Taggart, Thompson, Torbet, Watson, Wells, Williams, and Mr. Speaker—51.

So, the bill was not recommitted with the instructions.

Mr. Foster moved to postpone the further consideration of the bill until the 10th day of January next;

Which was disagreed to.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beeson, Brady, Bryant, Bulla, Buskirk, Carpenter, Cowgill, Davis of Franklin, Donnohue, Doughty, Douthit, Eccles, Geddes, Gibson, Gookins, Goudy, Hay of Clark, Hicks, Holladay, Howell, Hunt, King, Lindsay of Howard, Manson, McConnell, Nelson, Porter, Price, Shanklin, Smith of Marion, Stevens, Suit, Sumner, Taggart, Thompson, Torbet, Watson, Wells, Williams, and Mr. Speaker—41.

Those who voted in the negative were,

Messrs. Barker, Beane, Behm, Chowning, Cockrum, Crawford, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Foster, Graham, Hanna, Hart, Henry, Holman, Huey, Huffstetter, Humphreys, Lawrence, Leviston, Lindsey of Fayette, Major, McDonald, McDowell, Miller, Ray, Reynolds, Sale, Schoonover, Smith of Spencer, Stanfield, Stover, Struble, Stuart, Sweet, Walker, Wilson, and Withers—40.

So the bill did not pass.

By unanimous consent of the House,

Mr. McDonald obtained leave and offered the following resolution:

Resolved, That the Door-keeper be directed to deliver 100 copies of the swamp land bill, when printed and ready for delivery, to the Governor.

Which was agreed to.

By unanimous consent of the House,

Mr. Davis of Sullivan obtained leave and offered the following resolution:

Resolved, The Senate concurring, that under the last clause of the 14th section of the 5th article of the constitution, and under the resolution of the General Assembly to adjourn on the 21st inst., no bill shall be sent to the Governor for his approval and signature after 6 o'clock on Friday evening next.

Which was agreed to.

On motion by Mr. Suit,

The vote taken on the passage of Senate bill

No. 140. A bill providing for the election, prescribing the duties, and fixing the compensation of Agent of State,

Was reconsidered.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Bryant, Bulla, Buskirk, Chowning, Crawford, Davis of Sullivan, Dobson, Donaldson, Donham, Donnohue, Doughty, Douthit, Eccles, Gibson, Gookins, Hart, Hay of Clark, Henry, Holman, Howell, Huey, Huffstetter, Humphreys, Hunt, Lindsay of Howard, Manson, McConnell, McDowell, Miller, Porter, Price, Ray, Reynolds, Schoonover, Smith of Marion, Smith of Spencer, Stevens, Stover, Struble, Stuart, Suit, Taggart, Torbet, Wells, Withers, and Mr. Speaker—51.

Those who voted in the negative were,

Messrs. Behm, Carpenter, Cockrum, Davis of Franklin, Dice, Foster, Geddes, Goudy, Graham, Gunn, Hanna, Hicks, Holladay, King, Lawrence, Leviston, Major, McDonald, Nelson, Shanklin, Stanfield, Sumner, Sweet, Thompson, Walker, Watson, and Williams—27.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

Mr. McDowell moved the House adjourn;

Which was disagreed to.

On motion by Mr. Gookins,

Honse bill No. 314, a bill supplementary to an act for the incorporation of cities,

Was taken up.

Mr. Gookins moved to suspend the rule and read the bill a third time now.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Bryant, Bulla, Carpenter, Cockrum, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Donnohue, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Goudy, Gunn, Hay of Clark, Henry, Hicks, Howell, Huey, Huffstetter, Humphreys, Hunt, Lawrence, Leviston, Lindsay of Howard, Manson, McConnell, McDowell, Miller, Nelson, Porter, Reynolds, Sale, Schoonover, Shanklin, Stevens, Stover, Struble, Stuart, Sweet, Walker, Watson, Williams, Wilson, and Mr. Speaker—55.

Those who voted in the negative were,

Messrs. Crawford, Graham, Hart, Holladay, Major, McDonald, Price, Ray, Smith of Marion, Spencer, Sumner, Taggart, Torbet, Wells, and Withers—15.

So the rule was suspended, and the bill was read a third time.

On motion by Mr. Gibson,

The House adjourned.

2 o'clock, P. M.

The House met.

The question pending being on the passage of House bill No. 314,
On motion by Mr. Holman,
The bill was laid on the table.

The Speaker laid before the House a communication from the principal clerk, in compliance with a resolution of the House relative to the number of assistants by him employed.

On motion by Mr. Humphreys,
The report was laid on the table

The Speaker laid before the House a report of the assistant clerk of the House made in obedience to a resolution of the House in relation to the number of his assistants and their service.

Which

On motion,
Was laid on the table.

The Speaker laid before the House a report from the Door-keeper in obedience to a resolution of the House relative to the number and services of his assistants.

Which,

On motion,
Was laid on the table.

On motion by Mr. Holman,
House bill No. 314, a bill supplementary to an act for the incorporation of cities,
Was taken from the table.

By unanimous consent of the House,

On motion by Mr. Gookins,
The bill was amended as follows:

Provided, however, that the provisions of this act shall not apply to parcels of land applied to the purposes aforesaid containing less than twenty acres, nor to any in or out-lots laid off and lying within the corporate limits of any town or city.

The question being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Bulla, Buskirk, Carpenter, Chowning, Cockrum Cowgill, Cromwell, Davis of Sullivan, Dice,

Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Gibson, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Henry, Hicks, Holladay, Holman, Howell, Huey, Humphreys, Hunt, Lawrence, Leviston, Lindsey of Fayette, Linsday of Howard, Major, Manson, Miller, Nelson, Owen, Price, Ray, Reynolds, Sale, Scudder, Shanklin, Smith of Spencer, Stanfield, Stevens, Stover, Struble, Stuart, Sumner, Sweet, Thompson, Walker, Watson, Wells, Williams, and Wilson—64.

Those who voted in the negative were,

Messrs. Geddes, McConnell, McDowell, Smith of Marion, and Mr. Speaker—5.

So the bill passed.

On motion by Mr. Holman,

The title of the bill was amended by striking out the original title and inserting in lieu thereof,

“A bill relative to the taxation of lands in towns and cities.”

Ordered that the clerk inform the Senate of the passage of the bill.

On motion by Mr. Beach,

Leave of absence was granted Mr. Taggart, on account of sickness.

Mr. Buskirk obtained leave and reported back Senate bill No. 151, a bill providing for the government of the State University, &c., with the following amendment:

Strike out of the 6th and 7th lines of the 2d section these words: “have perpetual succession,” and after the word “board” in first line on the 4th page, insert the following: “which appointment shall continue until the next meeting of the General Assembly, at which time the General Assembly shall fill all such vacancies.”

Which was agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Brady, Bryant, Bulla, Buskirk, Cockrum, Cowgill, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donham, Donnohue, Doughty, Douthit, Eccles, Geddes, Gibson, Gookins, Goudy, Gunn, Hanna, Hay of Clark, Hicks, Howell, Huffstetter, Humphreys, Hunt, King, Lawrence, Linsday of Howard, Major, Manson, Mayfield, McConnell, Miller, Nelson, Owen, Price, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Sum-

ner, Sweet, Thompson, Torbet, Watson, Wells, and Mr. Speaker—59.

Those who voted in the negative were,

Messrs. Barker, Carpenter, Chowning, Crawford, Cromwell, Foster, Graham, Hart, Henry, Holladay, Holman, Huey, Leviston, Lindsey of Fayette, McDowell, Porter, Ray, Walker, Williams, Wilson, and Withers—21.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

On motion,

The order of business was suspended ;

When

Mr. Huffstetter offered the following resolution :

Resolved, That in estimating the distance members are entitled to charge mileage for, the Speaker shall be governed by the table of distances established by the General Assembly of 1847, and also by the late Constitutional Convention, and the amount of mileage each member charges for and receives shall be entered upon the journal.

Mr. Behm moved to amend the resolution by striking out the words "the General Assembly of 1847."

Which was accepted.

The question then being put on the adoption of the resolution ;

The ayes and noes were demanded by Messrs. Manson and Smith of Spencer.

Those who voted in the affirmative were,

Messrs. Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Davis of Franklin, Dice, Dobson, Donaldson, Donham, Donnohue, Doughty, Douthit, Eccles, Foster, Gibson, Gookins, Hanna, Hay of Clark, Hicks, Howell, Huey, Huffstetter, Humphreys, Hunt, King, Lawrence, Lindsay of Howard, Major, Manson, Mayfield, McDowell, Miller, Nelson, Owen, Price, Ray, Reynolds, Schoonover, Shanklin, Smith of Marion, Stanfield, Staton, Stevens, Struble, Stuart, Suit, Sweet, Thompson, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—61.

Those who voted in the negative were,

Messrs. Barker, Beach, Beane, Beeson, Davis of Sullivan, Geddes, Goudy, Graham, Gunn, Hart, Henry, Holladay, Holman, Levis-

ton, Lindsey of Fayette, McConnell, Porter, Sale, Scudder, Smith of Spencer, Stover, Sumner, Torbet, and Walker—24.

So the resolution was agreed to.

On motion by Mr. Gookins,
No. 308. A bill making specific appropriations for the year 1852,
Was taken from the table.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Bryant, Bulla, Buzkirk, Chowning, Cowgill, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Donnohue, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Graham, Hanna, Henry, Holman, Howell, Huffstetter, Humphreys, Hunt, Leviston, Lindsey of Fayette, Linsday of Howard, Manson, McDowell, Nelson, Owen, Price, Ray, Sale, Schoonover, Smith of Marion, Stover, Struble, Stuart, Sumner, Sweet, Torbet, Walker, Wells, Withers, and Mr. Speaker—52.

Those who voted in the negative were,

Messrs. Carpenter, Cockrum, Crawford, Cromwell, Davis of Franklin, Doughty, Goudy, Gunn, Hart, Hay of Clark, Hicks, Holladay, Huey, King, Lawrence, Major, Mayfield, McConnell, Miller, Porter, Reynolds, Scudder, Shanklin, Stanfield, Staton, Stevens, Suit, Thompson, Watson, Williams, and Wilson—31.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

On motion by Mr. Reynolds,

The following message from the Senate was taken up.

A message from the Senate by Mr. Dunn their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill thereof:

No. 198. A bill supplemental to an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases, in the courts of this State," &c.

Also, No. 199, a joint resolution in relation to certain duties of the Wabash and Erie Canal Trustees in reference to the erection of reservoirs in Clay county.

In which the concurrence of the House is respectfully requested.

Mr. Donaldson moved to suspend the rule and read Senate bill No. 198, contained in the foregoing message, by its title.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Donnohue, Doughty, Eccles, Foster, Geddes, Gibson, Gookins, Goudy, Graham, Hanna, Hay of Clark, Henry, Hicks, Huey, Huffstetter, Hunt, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Mayfield, McDonald, McDowell, Miller, Nelson, Owen, Porter, Price, Ray, Reynolds, Sale, Schoonover, Scudder, Staton, Stevens, Stover, Struble, Stuart, Suit, Sweet, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, and Mr. Speaker—67.

Those who voted in the negative were,

Messrs. Davis of Franklin, Douthit, Gunn, Hart, Holladay, King, Major, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, and Withers—12.

So the rule was suspended and the bill read a first time by its title.

Mr. Donaldson moved to further suspend the rule, and read the bill a second time by its title.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cowgill, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Doughty, Eccles, Foster, Geddes, Gibson, Gookins, Goudy, Graham, Hanna, Hart, Henry, Hicks, Huey, Huffstetter, Humphreys, Hunt, Leviston, Lindsey of Fayette, Major, Manson, Mayfield, McConnell, McDowell, Miller, Nelson, Price, Ray, Reynolds, Sale, Schoonover, Staton, Stevens, Stover, Struble, Stuart, Suit, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, and Mr. Speaker—62.

Those who voted in the negative were,

Messrs. Douthit, Hay of Clark, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, and Withers—7.

So the rule was suspended and the bill read a second time by its title.

The bill was then ordered to a third reading.

Joint resolution No. 199, contained in the message, was read a first time and passed to a second reading.

A message from the Senate by Mr. Dunn their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate refuse to concur in the engrossed amendments of the House to engrossed bill of the Senate No. 179, "an act districting the State for judicial circuits."

Mr. King moved the House insist on its engrossed amendments to Senate bill No. 179, contained in the foregoing message.

And the question being put,

The ayes and noes were demanded by Messrs. King and Nelson.

Those who voted in the affirmative were,

Messrs. Beane, Bryant, Bulla, Carpenter, Cockrum, Cowgill, Cromwell, Davis of Franklin, Dice, Donaldson, Donnohue, Doughty, Douthit, Geddes, Gibson, Gookins, Goudy, Graham, Gunn, Hay of Clark, Hicks, Holladay, Howell, Huey, Hunt, King, Lawrence, Lindsay of Howard, Mayfield, McConnell, Miller, Owen, Price, Reynolds, Sale, Scudder, Shanklin, Smith of Spencer, Stanfield, Statton, Stevens, Stover, Stuart, Suit, Sumner, Walker, Watson, Williams and Wilson—49.

Those who voted in the negative were,

Messrs. Barker, Beeson, Brady, Buskirk, Chowning, Crawford, Davis of Sullivan, Dobson, Donham, Eccles, Foster, Hart, Henry, Holman, Huffstetter, Leviston, Lindsey of Fayette, Major, Manson, McDowell, Nelson, Porter, Ray, Schoonover, Smith of Marion, Struble, Thompson, Torbet, Wells, Withers, and Mr. Speaker—32.

So the House insisted on its amendments.

Mr. Holman moved a committee of Free Conference be appointed; Which was agreed to.

Messrs. Stover and Lindsay of Howard were appointed said committee.

Ordered, that the Clerk inform the Senate thereof.

A message from the Senate by Mr. Dunn their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representa-

tives that the Senate has passed the following engrossed bill of the House;

No. 176. A bill to provide for the organization of canal and water-works companies, and for the completion of the unfinished canals in the State of Indiana;

With sundry engrossed amendments of the Senate thereto.

In which the concurrence of the House is respectfully requested.

On motion by Mr. Brady,

The bill and amendments were laid on the table.

A message from the Senate, by Mr. Dunn, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bills of the House:

No. 210. An act regarding estrays and articles adrift.

No. 294. An act in relation to the printing and distribution of the revised statutes and the code of civil and criminal practice,

With sundry engrossed amendments of the Senate thereto.

In which the concurrence of the House is respectfully requested.

The engrossed amendments of the Senate to House bill No. 210, contained in the foregoing message were concurred in.

Ordered that the Clerk inform the Senate thereof.

The engrossed amendments of the Senate to House bill No. 294, contained in the foregoing message, were considered separately.

The first amendment was concurred in.

The question being on concurring in the 2d amendment,

Mr. Gibson moved to amend the amendment by inserting "three" instead of "two."

Which was disagreed to.

The question then recurred on concurring in the 2d amendment;

And being put,

The ayes and noes were demanded by Messrs. Hart and King.

Those who voted in the affirmative were,

Messrs. Cowgill, Crawford, Donaldson, Holladay, Sale, Schoonover, Smith of Marion, and Stover—8.

Those who voted in the negative were,

Messrs. Barker, Beane, Beeson, Brady, Bryant, Bulla, Carpenter, Chowning, Cockrum, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donham, Donnohue, Doughty, Douthit, Eccles, Foster,

Geddes, Gibson, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Henry, Hicks, Holman, Howell, Huey, Huffstetter, Humphreys, Hunt, King, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Manson, McConnell, McDowell, Miller, Nelson, Owen, Price, Ray, Reynolds, Scudder, Shanklin, Smith of Spencer, Staton, Stevens, Struble, Stuart, Suit, Sweet, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—68.

So the 2d amendment was not concurred in.

The 3d amendment was not concurred in.

The 4th and 5th amendments were agreed to.

Ordered that the Clerk inform the Senate thereof.

On motion by Mr. Gunn,

Leave of absence was granted Mr. Marrs on account of sickness, and to Mr. Smith of Spencer, to enable him to accompany Mr. Marrs to his residence.

By unanimous consent of the House,

Mr. Manson obtained leave and introduced

No. 35. A joint resolution asking Congress for a grant of land to aid in constructing a railroad from Anderson, Indiana, via Crawfordsville, along the dividing ridge of Big and Little Vermillion Rivers, through Springfield, Illinois, and Hannibal, Missouri, to Fort Leavenworth.

Which was read a first time and passed to a second reading.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bills of the House:

No. 248. An act in relation to the construction of statutes and the definition of terms therein.

No. 298. A bill in relation to applying certain funds therein named to the payment of the public debt;

With sundry engrossed amendments of the Senate thereto.

In which the concurrence of the House is respectfully requested.

The question being on concurring in the amendment of the Senate to House bill No. 248, contained in the foregoing message,

Mr. Owen moved to amend the amendment as follows:

SEC. 1. "Lands" or "real estate" shall embrace every estate and interest, freehold and chattel, legal and equitable, present and future, vested and contingent, in lands, tenements and hereditaments.

SEC. 2. "Conveyance" shall embrace every instrument in writ-

ing, (except a last will) by which any estate or interest in lands is created, relieved, assigned or surrendered.

SEC. 3. The word "oath" shall include affirmation; and the word "sworn" shall include "affirmed."

SEC. 4. A word importing the singular number may apply also to several persons or things; and a word importing the plural number may apply also to one person or thing.

SEC. 5. A word importing the masculine gender may extend also to females.

SEC. 6. The word "person" applies to bodies corporate and politic, as well as to individuals.

SEC. 7. The words "goods" and "personal property" shall include goods and chattels, wares and merchandize.

On motion by Mr. King,

The bill and amendments were laid on the table.

The question being put on concurring in the engrossed amendment of the Senate to House bill No. 298, contained in the foregoing message,

The ayes and noes were demanded by Messrs. Stover and McDowell.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Chowning, Dice, Donnohue, Gibson, Gookins, Hay of Clark, Hicks, Howell, Huffstetter, Hunt, King, Lawrence, Major, Manson, Mayfield, Miller, Owen, Price, Sale, Scudder, Stover, Struble, Stuart, Suit, Sumner, Wells, and Mr. Speaker—29.

Those who voted in the negative were,

Messrs. Barker, Beeson, Bryant, Carpenter, Cockrum, Cowgill, Crawford, Cromwell, Davis of Franklin, Davis of Sullivan, Dobson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Goudy, Graham, Gunn, Hart, Henry, Holladay, Holman, Huey, Humphreys, Leviston, Lindsey of Fayette, McConnell, McDonald, McDowell, Nelson, Porter, Ray, Reynolds, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stevens, Sweet, Thompson, Torbet, Walker, Watson, Williams, Wilson, and Withers—48.

So the amendment of the Senate was not concurred in.

On motion by Mr. Gibson,

A committee of Free Conference was ordered.

Messrs. Nelson and Stover were appointed said committee.

Ordered that the clerk inform the Senate thereof.

Mr. Holman moved to reconsider the vote by which a committee of Free Conference was ordered on the disagreement between the two Houses on Senate bill No. 179;

Which was disagreed to.

On motion by Mr. King,
Senate bill No. 248 was taken from the table.

Mr. King moved to amend the amendment proposed by Mr. Owen to-day by striking out the same and inserting in lieu thereof the following:

Concur in Senate amendments with the following as an additional section:

SEC. —. The foregoing rules of construction and definitions of terms shall be in addition to and part of those adopted in the code of civil practice, and together with those shall apply to all statutes or acts of the Legislature.

Which was agreed to.

The question then recurred on concurring in the amendments of the Senate with the amendment as amended;

And being put,

It was agreed to.

Ordered, that the clerk inform the Senate thereof.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the engrossed amendments of the House to engrossed bill of the Senate No. 151, a bill providing for the government of the State University, the management of its funds, and for the disposition of the lands thereof.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed joint resolution of the House:

No. 33. A joint resolution on the subject of bridges on navigable rivers.

Without amendment.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the following resolution of the House:

Resolved, The Senate concurring, that under the last clause of the 14th section, of the 5th article of the constitution, and under the resolution of this General Assembly to adjourn on the 21st inst., no bill shall be sent to the Governor for his approval and signature after six o'clock on Friday evening.

Mr. Behm from the joint committee on Enrolled bills reported that said committee have compared enrolled joint resolution of the House No. 32, a joint resolution in relation to the extension of time for the payment of claims due from certain citizens of this State to the bond-holders, and find the same correctly enrolled;

Whereupon the Speaker signed the same.

Ordered that the clerk inform the Senate thereof.

Mr. Behm from the joint committee on Enrolled bills made the following report:

MR. SPEAKER:

The joint committee on Enrolled bills have presented the following enrolled bills of the House to the Governor for his approval viz: Nos. 94, 291, and 391.

Mr. Huey, from the committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The committee on Enrolled Bills have compared the following enrolled with the engrossed bills of the House of the corresponding number, and report them to the House correctly enrolled.

No. 9. An act to authorize county auditors and recorders to re-copy maps and plats when the original copies are worn or defaced.

No. 102. An act regulating the licensing of pilots at the Falls of the Ohio, requiring bond and security of such pilots, prohibiting any unlicensed person from acting as such pilot, and providing for the compensation of such pilots and the revocation of their licenses.

No. 165. An act to repeal special laws in relation to the fees of county auditors.

No. 256. An act to provide for township elections.

No. 287. An act for the protection of sheep.

Whereupon the Speaker signed the same.

Ordered that the Clerk inform the Senate thereof.

Mr. Smith of Marion, chairman of the committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The committee on Enrolled Bills have compared the following enrolled with the engrossed bills of the House of the corresponding numbers, and report the same to the House correctly enrolled:

No. 94. An act to regulate the remission of fines and forfeitures.

No. 291. An act supplemental to an act entitled "an act to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof in accordance with the condition of said grant.

No. 301. An act regulating appeals from the awards of arbitrators to assess damages in certain cases.

Whereupon the Speaker signed the same.

Ordered that the clerk inform the Senate thereof.

On motion by Mr. Buskirk,
The House adjourned.

TUESDAY MORNING, 7½ o'clock, }
June 15, 1852. }

The House met.

The Clerk proceeded to read the journal;

Mr. Barker moved to dispense with the further reading of the journal.

Which was disagreed to.

The clerk continued to read the journal;

When,

On motion by Mr. Foster,

The further reading thereof was dispensed with.

On motion by Mr. Shanklin,

Leave of absence was granted Mr. Helmer on account of sickness.

On motion by Mr. Humphreys,

Leave of absence was granted Mr. Huffstetter from Wednesday next

On motion by Mr. Beeson,

Leave of absence was granted Mr. Bulla on account of the sickness of his family.

ORDERS OF THE DAY.

Senate bill No. 198, a bill supplemental to an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State;

Was read a third time.

By unanimous consent of the House,

On motion by Mr. Holman,

The long form for indictment for murder by shooting appended to the bill was struck out.

The question being shall the pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Donnohue, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Henry, Hicks, Holladay, Holman, Howell, Huey, Huffstetter, Humphreys, Hunt, King, Lawrence, Lindsey of Fayette, Lindsay of Howard, Major, Manson, Mayfield, McConnell, McDonald, McDowell, Nelson, Porter, Price, Ray, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Stover, Stuart, Suit, Sumner, Sweet, Thompson, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—73.

No person voted in the negative.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

On motion by Mr. Stanfield,

Leave of absence was granted Mr. McDonald.

House bill No. 317, a bill to appropriate unappropriated Michigan road land funds to school purposes;

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Donnohue, Doughty, Douthit, Eccles, Foster, Gibson, Gookins, Goudy, Graham, Gunn,

Hanna, Hart, Hays of Clark, Henry, Hicks, Holladay, Holman, Howell, Huey, Huffstetter, Humphreys, Hunt, King, Lindsey of Fayette, Lindsay of Howard, Major, Manson, Mayfield, McConnell, McDonald, McDowell, Miller, Nelson, Porter, Price, Ray, Sale, Schoonover, Scudder, Smith of Marion, Smith of Spencer, Stanfield, Stover, Struble, Stuart, Sumner, Sweet, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers and Mr. Speaker—75.

Messrs. Davis of Franklin and Lawrence voted in the negative—2.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

House joint resolution No. 35, a joint resolution asking Congress for a grant of land to aid in constructing a railroad from Anderson, Indiana, via Crawfordsville, along the dividing ridge of Big and Little Vermillion Rivers, through Springfield, Illinois, and Hannibal, Missouri, to Fort Leavenworth,

Was read a second time and ordered to be engrossed.

Senate joint resolution No. 199, a joint resolution in relation to certain duties of the Wabash and Erie canal trustees in reference to the erection of reservoirs in Clay county,

Was read a second time.

Mr. Graham moved to lay the joint resolution on the table;

Which was disagreed to.

The joint resolution was ordered to a third reading.

On motion by Mr. Price,

Senate joint resolution No. 192, a joint resolution to provide for the suspension of certain acts therein mentioned,

Was taken from the table.

After debate,

On motion by Mr. Holman,

The joint resolution was laid on the table.

Leave was granted Messrs. Davis of Franklin and Withers to change their votes on the passage of House bill No. 315, from the affirmative to the negative.

On motion by Mr. Holman,

Leave of absence was granted Mr. Spencer on account of sickness, and Mr. Porter to accompany him to his place of residence.

On motion by Mr. Smith of Spencer,

Leave of absence was granted Mr. Graham.

Mr. Brady called up House bill

No. 282. A bill to establish a House of Refuge for juvenile offenders in the State of Indiana,

Which was lost on its passage on yesterday.

Mr. Graham moved to recommit the bill with the following instructions:

Amend so as to have one in each congressional district;

Which was disagreed to.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beeson, Brady, Bryant, Bulla, Buskirk, Carpenter, Cowgill, Davis of Franklin, Dice, Donnohue, Doughty, Douthit, Eccles, Geddes, Gibson, Gookins, Goudy, Hay of Clark, Hicks, Holladay, Hunt, King, Linsday of Howard, Miller, Nelson, Owen, Porter, Price, Scudder, Shanklin, Smith of Marion, Stevens, Suit, Sumner, Thompson, Torbet, Watson, Wells, Williams, and Mr. Speaker—40.

Those who voted in the negative were,

Messrs. Barker, Beach, Beane, Behm, Chowning, Cockrum, Crawford, Cromwell, Davis of Sullivan, Dobson, Donaldson, Donham, Foster, Graham, Gunn, Hanna, Hart, Hays of White, Henry, Howell, Huey, Humphreys, Lawrence, Leviston, Lindsey of Fayette, Major, Mayfield, McDonald, McDowell, Ray, Reynolds, Sale, Smith of Spencer, Staton, Stover, Struble, Stuart, Sweet, Walker, Wilson, and Withers—41.

So the bill did not pass.

The House proceeded to the consideration of House bill

No. 311. A bill supplemental to a bill to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana,

Which was postponed until yesterday at 2 o'clock, P. M.

The question pending being the motion of Mr. Miller to recommit the bill with instructions,

Mr. Wells moved to amend the instructions as follows:

Strike out the first section from the enacting clause and insert the following:

That it shall not be lawful for any person assessing his real estate, personal property, money on hand or at interest, or solvent claims, to deduct therefrom his indebtedness or any part thereof.

Mr. Holladay moved to amend the amendment as follows:

"Except the indebtedness within this State," in its proper place;

And the question being put,

The ayes and noes were demanded by Messrs. King and Behm.

Those who voted in the affirmative were,

Messrs. Beeson, Behm, Cockrum, Davis of Franklin, Dice, Dobson, Donnohue, Doughty, Goudy, Hay of Clark, Holladay, Huey, Manson, Miller, Sale, Stover, and Mr. Speaker—17.

Those who voted in the negative were,

Messrs. Barker, Beach, Beane, Brady, Bryant, Bulla, Buskirk, Chowning, Cowgill, Crawford, Cromwell, Donham, Douthit, Eccles, Geddes, Gookins, Graham, Gunn, Hanna, Hart, Hays of White, Henry, Hicks, Huffstetter, Humphreys, Hunt, King, Leviston, Lindsay of Howard, Major, McConnell, McDonald, McDowell, Nelson, Owen, Porter, Price, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stevens, Struble, Stuart, Sumner, Sweet, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, and Withers—58.

So the amendment to the amendment was disagreed to.

The question then recurred on the adoption of Mr. Wells's amendment;

And the question being put,

The ayes and noes were demanded by Messrs. Holladay and Nelson.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Brady, Bryant, Buskirk, Chowning, Crawford, Davis of Sullivan, Dice, Donham, Douthit, Eccles, Graham, Gunn, Hanna, Hays of White, Henry, Howell, Huey, Huffstetter, Hunt, Lindsay of Howard, Major, Manson, McConnell, McDonald, McDowell, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stover, Stuart, Sweet, Wells, and Wilson—43.

Those who voted in the negative were,

Messrs. Barker, Behm, Bulla, Cockrum, Cowgill, Cromwell, Davis of Franklin, Dobson, Donnohue, Doughty, Foster, Geddes, Gibson, Gookins, Goudy, Hart, Hay of Clark, Hicks, Holladay, Holman, Humphreys, King, Lawrence, Leviston, Lindsey of Fayette, Miller, Price, Sale, Scudder, Stevens, Suit, Sumner, Thompson, Torbet, Walker, Watson, Williams, Withers, and Mr. Speaker—38.

So the amendment was agreed to.

The question then recurred on recommitting the bill with the instructions;

And being put,

It was agreed to.

Messrs. Wells, Nelson, and Buskirk were appointed said committee.

On motion by Mr. McDowell,

The following message from the Senate was taken up—

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate insists upon its 2d engrossed amendment to engrossed bill of the House No. 45, an act to enforce the thirteenth article of the Constitution, and have appointed Messrs. Berry and James a committee of free conference on the part of the Senate, to act with a similar committee upon the part of the House.

In which the concurrence of the House is respectfully requested.

Mr. McDonald moved that the House insist on its disagreement to the engrossed amendment of the Senate to House bill No. 45, contained in the foregoing message;

And the question being put;

The ayes and noes were demanded by Messrs. McDonald and Dice.

Those who voted in the affirmative were,

Messrs. Beeson, Behm, Brady, Bryant, Bulla, Carpenter, Chowning, Cowgill, Cromwell, Dice, Doughty, Eccles, Geddes, Gookins, Goudy, Gunn, Henry, Holladay, Hunt, King, Lawrence, Leviston, Major, McConnell, McDonald, Nelson, Owen, Price, Reynolds, Scudder, Shanklin, Smith of Marion, Sumner, Sweet, Watson, and Williams—36.

Those who voted in the negative were,

Messrs. Barker, Beach, Beane, Cockrum, Crawford, Davis of Sullivan, Dobson, Donham, Douthit, Foster, Gibson, Graham, Hanna, Hart, Hay of Clark, Hays of White, Hicks, Howell, Huey, Huffstetter, Lindsey of Fayette, Lindsay of Howard, McAllister, McDowell, Miller, Porter, Ray, Sale, Schoonover, Smith of Spencer, Staton, Stover, Struble, Stuart, Suit, Thompson, Walker, Wells, Wilson, Withers, and Mr. Speaker—41.

So the House refused to insist on its disagreement.
Ordered, that the Clerk inform the Senate thereof.

Mr. Carpenter moved to rectify the journal of the House of Wednesday, the 2d instant, and the final vote therein, by ayes and noes, on the bill for "the valuation and assessment of real estate," altered since that date to an improper record, without the knowledge or consent of the House; that by such correction the verity and integrity of said journal, in respect to said vote and the list of members voting thereon, may be restored; and for that purpose that the name of Mr. Dobson of Owen be erased from the list of "noes," where it now stands, and be placed in the list of "ayes," where it originally and properly stood, and that the name of Mr. McConnell of DeKalb and Steuben be expunged altogether from the list of "ayes" he not having voted at all on the final passage of said bill.

Mr. Gibson moved to lay the motion on the table;

And the question being put;

The ayes and noes were demanded by Messrs. King and Carpenter.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Chowning, Crawford, Davis of Sullivan, Dice, Douthit, Foster, Gibson, Hanna, Hays of White, Howell, Huey, Huffstetter, Humphreys, Lawrence, Major, Manson, McAllister, Nelson, Owen, Ray, Schoonover, Smith of Marion, Stover, Stuart, Sweet, Wells, Wilson, and Mr. Speaker—32.

Those who voted in the negative were,

Messrs. Behm, Bryant, Bulla, Carpenter, Cockrum, Cowgill, Cromwell, Davis of Franklin Donham, Donnohue, Doughty, Eccles, Geddes, Gookins, Goudy, Graham, Gunn, Hay of Clark, Hicks, Holladay, Holman, King, Leviston, Lindsey of Fayette, Linsday of Howard, McConnell, McDonald, McDowell, Price, Reynolds, Sale, Shanklin, Smith of Spencer, Staton, Struble, Suit, Sumner, Thompson, Torbet, Walker, Watson, and Williams—42.

So the motion was not laid on the table.

Mr. King moved to refer the motion to a select committee of five.

Which was agreed to.

Messrs. King, Hay of Clark, Owen, Nelson and Gibson, were appointed said committee.

On motion by Mr. Buskirk,

Leave of absence was granted Mr. Stevens.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bills of the House:

No. 273. An act to authorize railroad companies to increase the amount of their capital stock, &c.

No. 34. A joint resolution to require the Secretary of State to publish certain acts therein named.

With sundry engrossed amendments of the Senate thereto.

In which the concurrence of the House is respectfully requested.

The engrossed amendments of the Senate to House bill No. 273 were concurred in.

Ordered, that the Clerk inform the Senate thereof.

The engrossed amendments of the Senate to joint resolution No. 34 were concurred in.

Ordered, that the Clerk inform the Senate thereof.

Mr. Nelson obtained leave and made the following report:

MR. SPEAKER:

The select committee to whom was referred bill No. 311, have had the same under consideration and directed me to report the same back in accordance with the instruction, and recommend its passage.

Which was concurred in.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Brady, Bryant, Bulla, Buskirk, Chowning, Crawford, Davis of Sullivan, Dice, Donham, Douthit, Eccles, Graham, Goudy, Hanna, Hays of White, Henry, Holladay, Howell, Huey, Huffstetter, Hunt, Lindsay of Howard, Major, Manson, McAllister, McConnell, McDonald, McDowell, Miller, Nelson, Porter, Price, Ray, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stover, Stuart, Suit, Sweet, Thompson, Walker, Watson, Wells, Williams, and Wilson—52.

Those who voted in the negative were,

Messrs. Barker, Behm, Carpenter, Cockrum, Cowgill, Davis of Franklin, Donnohue, Doughty, Foster, Geddes, Gibson, Gunn, Hart, Hay of Clark, Hicks, Holman, Humphreys, King, Lawrence, Levis-

ton, Lindsey of Fayette, Mayfield, Owen, Sale, Scudder, Torbet, Withers, and Mr. Speaker—29.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

Leave was granted Mr. Manson to withdraw a temperance memorial from the citizens of Montgomery county.

Mr. Douthit obtained leave and made the following report:

MR. SPEAKER:

The committee of Free Conference to whom was referred Senate bill No. 129, have had the same under consideration and have directed me to report it back and recommend that the House recede from its amendments, and adopt those accompanying; and they ask to be discharged from the further consideration thereof.

1st. Amend by striking out the word "four" in the 8th line of section one and inserting "two."

2d. Strike out sections 2 and 3.

3d. Insert after "procure," 4th line of section four the words "a copy of."

4th. Add at the end of section five, "the expense of which publication and survey shall be borne equally by all persons interested; and if any of the persons thus interested are non-residents, the surveyor shall hand over a certified statement of the amount due from them for such publication and survey to the auditor of the county, who shall enter it upon his tax duplicate against such persons, and cause it to be collected in the same manner and with the taxes assessed against such persons."

5th. Strike out 5th line section 10 the word "unless" and insert "but;" strike out "is," same section, 1st line, and insert "may be;" strike out "shall," same section, 9th line, and insert "may;" strike out of same section all after the word "re-survey," 29th line, to the word "and," 32d line; strike out all after the word "had," same section, 36th line.

Add the following sections:

SEC. —. All division lines which may be run to divide any of the lands sold by the United States, shall be made agreeably to the laws of the United States, directing the mode of surveying public lands.

SEC. —. The several county surveyors of this State shall have full power and authority to administer and certify any oath required to be taken by any commissioner for the assignment of dower, or the partition of real estate, or by any commissioner or viewer, to view, mark, locate or relocate any public highway, and whenever any county surveyor shall be appointed any such commissioner or viewer for the purposes aforesaid, he shall not be required to take

an additional oath, but the duties required of such commissioner or viewer shall be taken and construed to be a part of his official duties; and the official signature of such surveyor to any proceedings required of such commissioner or viewer, shall be sufficient on his part.

SEC. —. The several county surveyors shall be competent to take acknowledgments of deeds for the conveyance of real estate and to certify the same under their hand and seal.

Which report was concurred in.

Ordered that the Clerk inform the Senate thereof.

On motion by Mr. Brady,

House bill No. 176, a bill providing for the completion of the unfinished canals in the State of Indiana,

Was taken from the table.

The question pending being on concurring in the amendments of the Senate,

Mr. Brady moved to amend the amendment as follows:

Add to the amendment to section 1st the following words:

Provided, however, That no association or company which may have succeeded by purchase or otherwise, to the right or interest of the State in any canal or the appurtenances thereunto belonging, shall acquire or exercise any of the rights or powers specified in this act, until such association or company shall have executed to the State an additional bond with such penalty and with such securities as may be designated and required by the Governor, Auditor and Treasurer of State, or either of them, to indemnify the State against all liability on account of any leases heretofore granted by the State of the water power connected with such canal, if required so to do by the officers aforesaid, or either of them, and such additional bond shall be required unless the State is already sufficiently indemnified against liability on account of such leases.

Which was agreed to.

The amendment of the Senate as amended was then agreed to.

Ordered that the Clerk inform the Senate thereof.

On motion by Mr. Nelson,

Senate bill No. 85, a bill regulating the time of holding courts in the 12th judicial circuit, and to regulate the time of empanneling a traverse jury in the county of Allen,

Was taken up.

The question pending being on concurring in the amendments of the Senate,

Mr. Nelson moved to amend the Senate amendment as follows:

Strike out "four," in the 9th line of first section, and insert "three."

Which was agreed to.

The Senate amendment as amended was then concurred in.
Ordered, that the clerk inform the Senate thereof.

On motion by Mr. Gibson,

House bill No. 189, a bill for the regulation of the General Assembly, enforcing the attendance of the members thereof, and declaring vacant the seats of those members who absent themselves without leave,

Was taken from the table and ordered to be engrossed.

Mr. Gibson moved that the bill be considered as engrossed and read a third time now.

Which was agreed to.

The bill was then read a third time.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Beane, Brady, Carpenter, Crawford, Davis of Franklin, Donaldson, Donham, Douthit, Gibson, Graham, Hanna, Hay of Clark, Lawrence, Lindsay of Howard, Manson, McDowell, Nelson, Reynolds, Schoonover, Scudder, Smith of Spencer, Stover, Stuart, Suit, Wilson, and Withers—27.

Those who voted in the negative were,

Messrs. Barker, Beeson, Behm, Bryant, Bulla, Buskirk, Chowning, Cowgill, Cromwell, Davis of Sullivan, Dice, Donnohue, Doughty, Eccles, Foster, Geddes, Goudy, Gunn, Hart, Hicks, Holladay, Holman, Howell, Huffstetter, Hunt, King, Leviston, Lindsey of Fayette, Major, Mayfield, McAllister, McDonald, Porter, Price, Ray, Salé, Shanklin, Smith of Marion, Struble, Sumner, Thompson, Torbet, Walker, Watson, Wells, and Mr. Speaker—46.

So the bill did not pass.

On motion by Mr. Davis of Franklin,
The House adjourned.

2 o'clock, P. M.

The House met.

Mr. Smith of Spencer moved to take from the table House bill No. 72;

Which was disagreed to.

On motion by Mr. Owen,

Leave of absence was granted Mr. Ray on account of the sickness of his family.

Mr. Stover moved to take from the table Senate joint resolution No. 192;

Which was disagreed to.

Mr. Manson moved to take from the table Senate bill No. 125;

Which was disagreed to.

Mr. Buskirk moved to take from the table Senate bill No. 72;

Which was disagreed to.

Mr. Owen moved to reconsider the vote taken on yesterday, on concurring in the 2d engrossed amendment of the Senate to House bill No. 294;

And the question being put,

The ayes and noes were demanded by Messrs. Behm and Davis of Franklin.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Bryant, Buskirk, Chowning, Cowgill, Donaldson, Donham, Douthit, Eccles, Foster, Gibson, Hanna, Hay of Clark, Henry, Holladay, Howell, Huey, Huffstetter, Lavery, Lindsay of Howard, Manson, McAllister, McConnell, Owen, Porter, Ray, Schoonover, Smith of Marion, Stover, Stuart, Sumner, Torbet, Wells, Williams, and Wilson—38.

Those who voted in the negative were,

Messrs. Behm, Brady, Bulla, Cockrum, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Donnohue, Doughty, Geddes, Gookins, Goudy, Graham, Gunn, Hart, Hicks, Holman, Humphreys, Hunt, Lawrence, Leviston, Lindsey of Fayette, Major, McDowell, Miller, Nelson, Price, Reynolds, Sale, Scudder, Shanklin, Smith of Spencer, Staton, Struble, Suit, Sweet, Thompson, Walker, Watson, Withers, and Mr. Speaker—42.

So the vote was not reconsidered.

By unanimous consent of the House,

Mr. Hay of Clark obtained leave and offered the following resolution:

Resolved, That the thanks of this House be tendered to the Hon. Wm. H. English, Speaker of the House of Representatives, for the able, impartial and dignified manner in which he has presided over the deliberations of this body.

Which was unanimously adopted.

The Speaker then delivered his valedictory address ;
Which,

On motion by Mr. Suit,

Was unanimously ordered to be placed upon the journal.

GENTLEMEN:—I desire to return you, not as a matter of form, but in all sincerity, my grateful acknowledgments for the high compliment you have just paid me, and for the kind and liberal spirit you have manifested towards me during the entire period of our official connection.

Considering the circumstances existing at the time you called me to this position, it was hardly to be expected that I should be able to render full satisfaction, or avoid the commission of errors ; yet it has been my good fortune to have no appeal taken from any decision—no harsh word to pass between any member and the chair, nor, so far as I have heard, a murmur of complaint from any quarter. This is the more gratifying when I compare it with the result in other deliberative bodies, and call to mind the many new questions we have had to determine, the conflicting interests we have had to reconcile, and the heated debate such a state of things naturally engenders.

It is to your forbearance, gentlemen, and not to any merit of my own, that I attribute this success ; yet, if I know my own heart, I have, upon all occasions, endeavored to maintain harmony, good feeling and order in our deliberations, and to facilitate the completion of our labors at the earliest day compatible with its proper execution.

The friendly relations existing between the Speaker and the House, is not the only subject of gratulation. Where, in the history of legislative bodies, will you find a session of equal length and importance, exhibiting less personal strife, a stricter application to business, or a more successful termination ? There has not been a personal collision during the entire session, and the little sparring, which in the excitement of animated debate sometimes occurred, always passed away with the occasion calling it forth—leaving, I trust and believe, friendship, good will, and brotherly love the predominant feeling in every heart. Never have I known the members of any assembly manifest stricter integrity of purpose, more laborious application, more gentlemanly deportment, or a greater desire to promote the interests of the people, and avoid the useless consumption of time.

It is true the session has been of unusual length, but no one conversant with what was to do, expected it to be otherwise. The Constitutional Convention, foreseeing the necessity, wisely exempted the first General Assembly from the restriction as to length of session. The whole temple of government, from spire to foundation stone, had to be taken down, re-modeled and re-built, so as to conform to the new Constitution, and the progress and improvements of the age.

An examination of the acts of previous legislatures, other than local, will show that the average number passed at each session, does not exceed fifty. There has been introduced into the present General Assembly, not less than five hundred and sixty bills, besides innumerable resolutions, constitutional inquiries, reports and propositions, some of them involving questions of the greatest moment, and all requiring more or less consideration. Of the bills introduced, some two hundred and seventy have become laws of the land,—probably equalling the aggregate number of all the general acts passed by the five preceding legislatures,—extending to every essential subject of government, and reconciling differences and interests widely sundered by geographical positions, diversity of habits, opinions and employments, inequality in the size of counties, and the previous system of local legislation.

In connection with the amount of necessary legislation devolving upon the General Assembly, should be considered the circumstances and restrictions attending its transaction. Under the old Constitution, the rules might be suspended, a bill be taken through all the readings in both Houses on the same day, by merely repeating the title, and then might pass by a bare majority of a quorum, and without the ayes and noes. Under the new Constitution, it is quite different. Every bill, except in certain cases of emergency, must be read by sections on three several days in each House—requiring now not less than six days to pass an act which heretofore might have become a law in as many hours. Besides, no act can be passed without receiving, in each House, on a call of the ayes and noes, a majority of all the members elected; and last, though not least, all laws must be of general and uniform operation throughout the State. These, and other like restrictions, were intended by the framers of the Constitution to prevent local, or hasty and inconsiderate legislation, and will, no doubt, in the end, prove beneficial. Hereafter, the same inconvenience will not be experienced, for when once a code of laws is established, (even if but tolerably perfect,) the fewer the alterations the better. The practice of undoing at one session the work of the preceding, necessarily results in uncertainty and endless confusion; and but few will deny the beneficial operation of these restrictions upon general legislation: at the same time all must admit they have materially and unavoidably protracted the present session.

It was not to be expected in the enactment of a code of laws for the government of a million of souls, and the protection of property worth some three hundred millions of dollars, that it would be perfect

in all its parts, or satisfactory to every one. That would be a task beyond the power of human wisdom to execute. The great mass of our fellow-citizens will view the whole ground, and judge with a liberal and righteous judgment; demagogues and croakers do not intend to be satisfied, because fault-finding and agitation are essential to their existence. It is enough that we have assiduously labored to enact such laws as we believed would best promote the happiness and prosperity of the country. Rather than leave any portion of the revision unfinished, most of the members have remained faithfully at their posts to the last, sacrificing the endearments of home, and, in many instances, at the expense of business, of personal convenience, of health,—yea, even of life, as the facts but too mournfully testify. Four of our brethren have been taken from the post of official duty “to that bourne from whence no traveler returns,” and others bear the melancholy indications of shattered constitutions. Cherished be the memory, and green the graves of our departed brothers!

In no spirit of affected sentimentality, but in all sincerity and truth, I wish each and every one of you a safe return to your homes, where the affectionate greetings of family and friends await you, and, I trust also, the approbation of your fellow-citizens. If a feeling of enmity has been engendered in any heart, let it not be taken beyond these walls. Let us separate as a band of brothers, each one prepared to say of the other through the rest of life, he is my friend; we served together in the first legislature under the new Constitution.

By unanimous consent of the House,

Mr. Smith of Spencer obtained leave and offered the following resolution:

Resolved, That the unanimous thanks of the members of this House be tendered to the Principal and Assistant Clerks of this House for the able, faithful and impartial manner in which they have discharged their duties.

Which was unanimously agreed to.

Mr. Stuart obtained leave and offered the following resolution:

Resolved, That the thanks of this House are due and hereby tendered to Messrs. Owen, Gibson and Stover, members of the joint committee of Revision, for the ability, industry and eminent success with which they have discharged their duties as revisors.

Which was unanimously agreed to.

Mr. Gibson moved to take from the table House bill No. 72, a bill for the incorporation of county libraries;

And the question being put,

The ayes and noes were demanded by Messrs. Gibson and Davis of Franklin.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beeson, Brady, Bryant, Buskirk, Carpenter, Chowning, Cowgill, Dice, Dobson, Donnohue, Doughty, Douthit, Eccles, Geddes, Gibson, Gookins, Gunn, Hay of Clark, Howell, Humphreys, Hunt, King, Laverty, Lindsay of Howard, Manson, McAllister, McConnell, McDowell, Owen, Porter, Price, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stevens, Stover, Stuart, Sumner, Thompson, Walker, Watson, Williams, Wilson, and Mr. Speaker—51.

Those who voted in the negative were,

Messrs. Beane, Behm, Bulla, Cockrum, Crawford, Cromwell, Davis of Franklin, Davis of Sullivan, Donaldson, Donham, Goudy, Graham, Hanna, Hart, Henry, Hicks, Holladay, Holman, Lawrence, Leviston, Lindsey of Fayette, Major, Miller, Nelson, Sweet, Torbet, Wells, and Withers—28.

So the bill was taken from the table.

By unanimous consent of the House,

On motion by Mr. Buskirk,

The bill was amended by substituting "county auditor" for "county agent," wherever it occurs in the bill.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Davis of Franklin, Donaldson, Doughty, Douthit, Eccles, Foster, Geddes, Gookins, Goudy, Gunn, Hanna, Hart, Holladay, Howell, Huey, Humphreys, Hunt, King, Laverty, Lindsay of Howard, Manson, McAllister, McDowell, Owen, Porter, Reynolds, Price, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stover, Struble, Stuart, Suit, Sumner, Thompson, Torbet, Wells, and Williams—57.

Those who voted in the negative were,

Messrs. Cromwell, Davis of Sullivan, Dice, Donham, Gibson, Graham, Hay of Clark, Hicks, Holman, Huffstetter, Lawrence, Leviston, Lindsey of Fayette, Major, McConnell, Nelson, Ray, Sweet, Walker, Watson, Withers, and Mr. Speaker—22.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

Mr. Huffstetter called up Senate bill No. 165, a bill supplementary to an act to provide for the incorporation of railroad companies; which was lost on its passage some days since.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Dice, Dobson, Donaldson, Doughty, Douthit, Eccles, Foster, Gibson, Gookins, Goudy, Graham, Hanna, Hart, Henry, Hicks, Holladay, Holman, Howell, Huffstetter, Humphreys, Lavery, Lawrence, Leviston, Lindsay of Howard, Major, Manson, McConnell, McDowell, Miller, Nelson, Owen, Porter, Ray, Reynolds, Sale, Schoonover, Smith of Marion, Smith of Spencer, Staton, Struble, Stuart, Sweet, Thompson, Torbet, Walker, Watson, Wells, Williams, Withers, and Mr. Speaker—58.

Those who voted in the negative were,

Messrs. Behm, Cowgill, Cromwell, Geddes, Gunn, Hay of Clark, King, Lindsey of Fayette, McDonald, Price, Shanklin, Suit, and Wilson—13.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

Mr. Suit moved the House adjourn;

Which was disagreed to.

Mr. Nelson called up House bill No. 311, a bill supplemental to a bill to provide for the valuation and assessment of the real and personal property and the collection of taxes, &c.;

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Brady, Bryant, Buskirk, Chowning, Crawford, Dice, Dobson, Donaldson, Donham, Douthit, Eccles, Graham, Goudy, Henry, Hanna, Holladay, Holman, Howell, Huey, Huffstetter, Hunt, Lavery, Lindsey of Fayette, Lindsay of Howard, Major, Manson, McConnell, McDonald, McDowell, Miller, Nelson, Owen, Porter, Price, Ray, Reynolds, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stover, Stuart, Sweet, Thompson, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—53.

Those who voted in the negative were,

Messrs. Barker, Behm, Carpenter, Cockrum, Cowgill, Davis of

Franklin, Davis of Sullivan, Doughty, Foster, Geddes, Gibson, Gunn, Hart, Hay of Clark, Hicks, Humphreys, King, Lawrence, Leviston, McAllister, Sale, Scudder, Suit, Sumner, and Torbet—25.

So the bill passed.*

Ordered that the clerk inform the Senate thereof.

A message from the Senate by Mr. Dunn their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate insists upon its engrossed amendments to engrossed bill of the House No. 294, an act in relation to the printing and the distribution of the Revised Statutes and the Code of Civil and Criminal Practice, and have appointed Messrs. Hester and Emerson a committee of Free Conference on the part of the Senate to act with a similar committee upon the part of the House.

On motion by Mr. Stuart,

A committee of Free Conference was ordered.

Messrs. Stuart and Brady were appointed said committee.

Ordered, that the clerk inform the Senate thereof.

Mr. Laverty, from the joint committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The joint committee on Enrolled bills have this day presented to the Governor for his approval, enrolled bills of the House numbered 9, 32, 102, 165, 256 and 287.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have reconsidered the vote on the appointment of a committee of Free Conference on the disagreement of the two Houses upon the engrossed amendment of the House to engrossed

*NOTE.—House bill 311, lost above, received 51 votes on the question of its passage this morning, but was announced 49 votes through mistake, and the error was not discovered until after the above vote was taken.

Done by order of the House, June 16th, 1852.

A. J. BOONE, *Assistant Clerk.*

bill of the Senate entitled No. 124, an act to establish and regulate ferries; and also have reconsidered the vote insisting upon their disagreement to said amendment, and have receded from their disagreement, and have concurred in said amendment.

A message from the Senate by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the engrossed amendment of the House to engrossed bill of the Senate No. 85, "a bill regulating the time of holding courts in the 12th judicial circuit."

A message from the Senate by Mr. Dunn their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate insists upon its engrossed amendment to engrossed bill of the House No. 298, "a bill in relation to applying certain funds therein named to the payment of the public debt," and have appointed Messrs. Eddy and Emerson a committee of Free Conference upon the part of the Senate to act with a similar committee already appointed upon the part of the House.

A message from the Senate by Mr. Dunn, their secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate insists upon its disagreement to engrossed amendments of the House to engrossed bill of the Senate No. 179, an act districting the State for judicial circuits, and have appointed Messrs. Berry and Hanna a committee of Free Conference upon the part of the Senate to act with a similar committee already appointed upon the part of the House.

A message from the Governor by Mr. King executive messenger:

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives that he has approved and signed the following bills, to-wit:
No. 137. An act to provide for a general and uniform system of

common schools and school libraries, and matters properly connected therewith.

No. 94. An act to regulate the remission of fines and forfeitures.

No. 291. An act supplemental to an act entitled "an act to regulate the sale of the swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the conditions of said grant."

No. 301. An act regulating appeals from the awards of arbitrators to assess damages in certain cases.

Which bills originated in the House of Representatives.

A message from the Senate, by Mr. Dunn, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bills of the House :

No. 316. A bill amendatory of the charter of the town of Clarksville in Clark and Floyd counties.

No. 247. An act respecting foreign incorporations and their agents in this State.

Without amendment.

A message from the Senate by Mr. Dunn, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the engrossed amendment of the House to engrossed amendment of the Senate to engrossed bill of the House No. 248, an act in relation to the construction of statutes and the definition of terms therein.

On motion by Mr. Doughty,
The House adjourned.

WEDNESDAY MORNING, 7½ o'clock, }
 June 16, 1852. }

The House met.

On motion by Mr. Withers,
 The reading of the journal was dispensed with.

Mr. Smith of Marion moved that the Clerk be ordered to erase from the journal of yesterday the second vote on the passage of House bill No. 311.

Which was disagreed to.

On motion,

The clerk was ordered to affix an explanatory note to said second vote on said bill No. 311.

Leave was granted Mr. Goudy to change his vote from the negative to the affirmative on the passage of House bill No. 311.

REPORTS FROM COMMITTEES.

Mr. Dobson, chairman of the committee on Claims, made the following report:

MR. SPEAKER:

The committee on Claims, to whom was referred the petition of John Mathews, have had the same under consideration, and have directed me to report that they are unwilling to decide for or against the claim of the petitioner without further evidence, and ask to be discharged therefrom.

Which was concurred in.

ORDERS OF THE DAY.

Senate joint resolution No. 199, a joint resolution in relation to certain duties of the Wabash and Erie Canal Trustees in reference to the erection of reservoirs in Clay county,

Was read a third time.

The question being shall the joint resolution pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Bryant, Buskirk, Chowning, Cowgill, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Donaldson, Donham, Donnohue, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Goudy, Hanna, Hart, Hay of Clark, Henry, Hicks, Holladay, Holman, Huey, Humphreys, Lawrence, Leviston, Lindsey of Fayette, Major, Manson, Mayfield, McAllister, McConnell, Miller, Nelson, Price, Ray, Reynolds, Schoonover, Smith of Marion, Staton, Struble, Sumner, Sweet, Thompson, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—58.

Those who voted in the negative were,

Messrs. Carpenter, Cockrum, Crawford, Graham, McDowell, and Sale—6.

No quorum voted.

On motion by Mr. Davis of Franklin,

A call of the House was ordered.

The clerk proceeded with the call when the following members answered to their names:

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Donnohue, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Henry, Hicks, Holladay, Holman, Huey, Humphreys, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Manson, Mayfield, McAllister, McConnell, McDowell, Miller, Nelson, Porter, Price, Ray, Reynolds, Sale, Schoonover, Smith of Marion, Staton, Stover, Struble, Stuart, Sumner, Sweet, Thompson, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—72.

On motion by Mr. Doughty,

The further call of the House was dispensed with.

The question then recurred on the passage of the joint resolution, (No. 199,)

And being put,

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Buskirk, Chowning, Cowgill, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Donnohue, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Goudy, Gunn, Hanna, Hart,

Hay of Clark, Henry, Hicks, Holladay, Holman, Howell, Huey, Huffstetter, Humphreys, Lawrence, Leviston, Lindsey of Fayette, Linsday of Howard, Major, Manson, Mayfield, McAllister, McConnell, McDonald, Miller, Nelson, Porter, Price, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stover, Struble, Sumner, Sweet, Thompson, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—71.

Those who voted in the negative were,

Messrs. Carpenter, Cockrum, Crawford, Graham, McDowell, Sale, and Stuart—7.

So the joint resolution passed.

Ordered that the clerk inform the Senate thereof.

Mr. McDonald having declined to serve, Mr. Donaldson was appointed to supply his vacancy on the committee of Free Conference on the disagreement of the two Houses on House bill No. 104, a bill to regulate the mileage of sheriffs in conveying convicts to the State's Prison and of county treasurers in making deposits &c.

House joint resolution No. 35, a joint resolution asking Congress for a grant of land to aid in constructing a rail road from Anderson, Indiana, via. Crawfordsville along the dividing ridge of Big and Little Vermillion rivers through Springfield Illinois and Hannibal Missouri to Fort Leavenworth.

Was read a third time.

Mr. Beach moved to recommit the joint resolution with instructions to make Lebanon in Boone county a point.

Which was disagreed to.

The question being, shall the joint resolution pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beeson, Behm, Brady, Bryant, Buskirk, Carpenter, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Donham, Donnohue, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Goudy, Graham, Hanna, Hart, Hay of Clark, Henry, Hicks, Holladay, Howell, Huffstetter, Humphreys, King, Leviston, Linsday of Howard, Major, Manson, Mayfield, McAllister, McConnell, McDonald, Miller, Nelson, Price, Ray, Reynolds, Sale, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stover, Struble, Stuart, Suit, Sweet, Thompson, Torbet, Watson, Wilson, Withers, and Mr. Speaker—62.

Those who voted in the negative were,

Messrs. Beane, Chowning, Cockrum, Crawford, Donaldson, Gunn, Huey, Lawrence, Lindsey of Fayette, McDowell, Porter, Scudder, Walker, Wells, and Williams—15.

So the joint resolution passed.

Ordered that the clerk inform the Senate thereof.

Leave was granted Mr. Stuart to change his vote on the passage of Senate joint resolution No. 199, from the negative to the affirmative.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House:

No. 289. An act regulating ware houses and the keepers thereof, and for the protection of persons depositing produce, goods, wares and merchandize therein.

With sundry engrossed amendments of the Senate thereto.

In which the concurrence of the House is respectfully requested.

The engrossed amendments of the Senate were concurred in.

Ordered that the clerk inform the Senate thereof.

A message from the Senate by Mr. Dunn their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the engrossed amendment of the House to engrossed bill of the Senate,

No. 105. An act regulating the vending of spirituous liquors;

With an engrossed amendment of the Senate thereto.

In which the concurrence of the House is respectfully requested.

The question being put on concurring in the Senate amendment, It was disagreed to.

On motion by Mr. Bryant,

A committee of Free Conference was ordered.

Messrs. Bryant and Nelson were appointed said committee.

Ordered, that the Clerk inform the Senate thereof.

On motion by Mr. Torbet,

House joint resolution No. 17, a joint resolution in relation to the improvement of the navigation of the Patoka and the East fork of White river,

Was taken from the table.

The question being, shall the joint resolution pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Buskirk, Cockrum, Cowgill, Cromwell, Davis of Franklin, Davis of Sullivan, Dobson, Donaldson, Donham, Donnobue, Gibson, Gookins, Goudy, Graham, Gunn, Hart, Hay of Clark, Henry, Holman, Howell, Huey, Huffstetter, Humphreys, Hunt, King, Lindsay of Howard, Major, Manson, Mayfield, McAllister, McConnell, Mudget, Porter, Ray, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stover, Stuart, Suit, Sumner, Sweet, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—58.

Those who voted in the negative were,

Messrs. Behm, Bryant, Chowning, Crawford, Dice, Doughty, Douthit, Eccles, Foster, Hanna, Hicks, Holladay, Lawrence, Leviston, Lindsey of Fayette, McDowell, Price, Reynolds, Staton, Struble, and Thompson—21.

So the joint resolution passed.

On motion by Mr. Lindsay of Howard,

The title was amended by adding "Big Wild Cat," in Howard and Clinton counties.

On motion by Mr. Beane,

The title was further amended by adding Salt Creek.

On motion by Mr. Holman,

The title was further amended by adding "and other inland seas."

Ordered that the clerk inform the Senate of the passage of the joint resolution.

On motion,

Leave was granted Mr. Stover to make the following report:

MR. SPEAKER:

The committee of Free Conference appointed to reconcile the disagreement between the two Houses, on engrossed amendments of the House to Senate bill No. 179, a bill districting the State for judicial purposes, have conferred together, and report that they cannot agree; and ask to be discharged from the further consideration of the subject.

Which was concurred in.

Ordered, that the clerk inform the Senate thereof.

Mr. Huffstetter, chairman of the committee on Roads, made the following report:

MR. SPEAKER:

The committee on Roads, to whom was referred a petition signed by sundry citizens of West Union, Fayette county, asking that a law be passed exempting persons residing in incorporated towns from working on highways, more than one half mile each way from the corporation, have had that subject under consideration, and directed me to report, that in the opinion of the committee, the prayers of the petitioners should not be granted; and ask to be discharged from the further consideration of the subject.

Which was concurred in.

Mr. Huffstetter, chairman of the committee on Roads, made the following report:

MR. SPEAKER:

The committee on Roads, to whom was referred a petition asking the passage of a law for the location of a State road in the counties of Fulton and Pulaski, have had that subject under consideration, and directed me to report the same back; that a general law has been passed on the subject of locating, changing and vacating highways. The committee ask to be discharged from a further consideration thereof.

Which was concurred in.

Mr. Buskirk, chairman of the committee on Ways and Means, made the following report:

MR. SPEAKER:

The committee on Ways and Means, to whom was referred twenty-seven resolutions upon various subjects, have directed me to report that your committee have acted upon all of them in some form or other; that the most of the subjects referred to in such resolutions have been provided for in bills that have heretofore passed the House; and that it is inexpedient to legislate upon some of them, and recommend that the same be laid upon the table.

Which was concurred in.

On motion by Mr. Gibson,
A committee of Free Conference was ordered on the disagree-

ment between the two Houses on the engrossed amendments of the House to Senate bill No. 179.

Ordered, that the Clerk inform the Senate thereof.

Mr. Buskirk, chairman of the committee on Ways and Means, made the following report:

MR. SPEAKER:

The committee on Ways and Means, to whom was referred a joint resolution of the Senate, No. 106, have directed me to report the evil intended to have been remedied by such resolution, is already provided for in the bill creating a State Board of Equalization, and recommend that the same be laid upon the table.

Which was concurred in, and the joint resolution laid on the table.

Mr. Buskirk, chairman of the committee on Ways and Means, made the following report:

MR. SPEAKER:

The committee on Ways and Means, to whom was referred the petition of Andrew Robinson, of Monroe county, praying the General Assembly for the passage of an act to pay him out of the State Treasury the amount due him from the three per cent. fund, have directed me to report, that in the opinion of a majority of your committee, it would be inexpedient to grant the prayer of such petition; and ask to be discharged from the further consideration of such subject.

Which was concurred in.

Mr. Buskirk, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of Joseph Strain, and sundry other citizens of Monroe county, praying for the passage of an act making Clear Creek navigable above the bridge near Harrdsburgh, and also the remonstrance of William Chambers, and sundry other citizens of Monroe county, remonstrating against the passage of such act, have directed me to report that, in the opinion of your committee, the passage of the act prayed for, would be in direct conflict with the twenty-second section of the fourth article of the new Constitution, which declares that the "General Assembly shall not pass special or local laws," and that there has been passed during the present session, an act authorizing the boards of commis-

sioners to declare streams navigable, and ask to be discharged from the further consideration of the subject.

Which was concurred in.

On motion by Mr. Lindsay of Howard,
Leave of absence was granted Mr. Wells.

On motion by Mr. Sumner,
The order of business was suspended, when he introduced

No. 318. A bill declaring the word "ten," in the 10th section of an act to incorporate the town of Plymouth, in Marshall county, approved February 11th, 1851, a misprint;

Which was read a first time.

Mr. Sumner moved to suspend the rule and read the bill a second time by its title.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Bryant, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Donnohue, Doughty, Douthit, Eccles, Foster, Geddes, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Henry, Hicks, Holman, Huey, Humphreys, Hunt, King, Laverty, Lawrence, Leviston, Lindsey of Fayette, Major, Manson, McAllister, McConnell, McDowell, Miller, Nelson, Price, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stover, Stuart, Suit, Sumner, Sweet, Torbet, Watson, Wilson, and Mr. Speaker—68.

Messrs. Gibson and Holladay voted in the negative.

So the rule was suspended and the bill read a second time.

Mr. Nelson moved to suspend the rule and read the bill a third time now.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Bryant, Chowning, Cockrum, Cowgill, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Donnohue, Doughty, Douthit, Eccles, Foster, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Henry, Hicks, Holman, Howell, Huey, Hufstetter, Hunt, King, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Nelson, Price, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stover,

Struble, Suit, Sumner, Sweet, Thompson, Torbet, Walker, Watson, Wells, and Mr. Speaker—69.

Messrs. Gibson and Holladay voted in the negative.

So the rule was suspended and the bill read a third time.
The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Bryant, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Donnohue, Doughty, Douthit, Foster, Geddes, Gookins, Goudy, Graham, Hanna, Hart, Hay of Clark, Hays of White, Henry, Hicks, Holladay, Holman, Howell, Huey, Huffstetter, Humphreys, Hunt, King, Laverty, Lawrence, Leviston, Lindsey of Fayette, Major, Manson, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Nelson, Porter, Price, Reynolds, Sale, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stover, Struble, Stuart, Suit, Sumner, Sweet, Thompson, Torbet, Walker, Watson, Wells, and Mr. Speaker—75.

No person voted in the negative.

So the bill passed.

Ordered, that the Clerk inform the Senate thereof.

By unanimous consent of the House,

Mr. Stover offered the following resolution :

Resolved, That the Senate be requested to return to this House the message and joint resolution of the House No. 34, "a joint resolution authorizing the Secretary of State to publish and distribute certain acts therein named," and amendments of the Senate thereto; and that the Clerk inform the Senate thereof.

Which was agreed to.

On motion by Mr. King,

Leave of absence was granted Mr. Cockrum.

Mr. Hicks asked leave of absence for Mr. Beeson.

Which was disagreed to.

On motion by Mr. Bryant,

The vote just taken on the adoption of Mr. Stover's resolution was reconsidered.

Mr. Stover then withdrew his resolution.

On motion by Mr. Stover,

The rule was suspended to enable him to introduce
No. 319. A bill to suspend certain acts therein named;
Which was read a first time.

Mr. Price moved to suspend the rule and read the bill a second time now.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Bryant, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Donnohue, Doughty, Douthit, Eccles, Foster, Gibson, Gookins, Goudy, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Henry, Hicks, Holman, Howell, Huey, Huffstetter, Humphreys, Hunt, Lavery, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Manson, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Nelson, Porter, Price, Reynolds, Sale, Scudder, Shanklin, Smith of Marion, Stover, Stuart, Suit, Sumner, Sweet, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, and Mr. Speaker—73.

Mr. Withers voted in the negative.

So the rule was suspended and the bill read a second time.

Mr. Buskirk moved to amend the bill as follows:

A bill to organize the Board of Trustees of Indiana University, defining their powers and duties, and providing for the election of President and other officers and pointing out their powers and duties, approved March 8, 1852.

Which was agreed to.

The bill was then ordered to be engrossed.

Mr. Smith of Marion moved to suspend the rule, consider the bill as engrossed, and read a third time now.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Bryant, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Donnohue, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Hays of White, Henry, Hicks, Holman, Howell, Huey, Huffstetter, Humphreys, Lavery, Lawrence, Leviston, Lindsey of Fayette, Major, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Nelson, Porter, Price, Reynolds, Sale, Scudder, Shanklin, Smith of Marion, Staton, Stover, Struble, Stuart, Suit, Sumner, Sweet, Thompson, Walker, Wells, Williams, Wilson, and Mr. Speaker—72.

Mr. Holladay voted in the negative.

So the rule was suspended and the bill read a third time.

By unanimous consent of the House,

On motion by Mr. Gibson,

The bill was amended by striking out all after the word "acts" in section 2d.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Bryant, Buskirk, Chowning, Cowgill, Crawford, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Donnohue, Dough-ty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Goudy, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Henry, Hicks, Holladay, Holman, Huey, Huffstetter, Hunt, Laverty, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Manson, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Nelson, Porter, Price, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Staton, Stover, Struble, Stuart, Suit, Sumner, Sweet, Thompson, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker---75.

Those who voted in the negative were,

Messrs. Carpenter, Cockrum, and Graham---3.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

A message from the Senate by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House:

No. 308, entitled "an act making specific appropriations for 1852."

With sundry engrossed amendments of the Senate thereto.

In which the concurrence of the House is respectfully requested.

The amendments of the Senate were considered separately.

The 1st and 2d amendments were concurred in.

The question being on concurring in the 3d amendment;

Mr. Buskirk moved to amend the amendment by fixing the pay of Stephen G. Dodge at \$4 00 per day.

Mr. Gibson moved to amend the amendment by fixing the pay of C. P. Furgurson at \$4 00 per day;

Which was disagreed to.

Mr. Suit moved to amend the amendment by fixing the pay of Washington L. Black at \$4 00 per day:

Which was disagreed to.

The question then recurred on Mr. Buskirk's amendment;

And being put,

It was disagreed to.

The 3d amendment was disagreed to.

The 4th, 5th and 7th amendments were concurred in.

The 6th amendment was passed over informally.

The question being on concurring in the 8th amendment to section 84;

And being put,

The ayes and noes were demanded by Messrs. Doughty and Reynolds.

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Chowning, Cowgill, Cromwell, Davis of Franklin, Dice, Donaldson, Donham, Goudy, Graham, Gunn, Hanna, Hart, Hicks, Huffstetter, Humphreys, King, Lawrence, Leviston, Lindsey of Fayette, Manson, McDonald, Miller, Porter, Sale, Scudder, Shanklin, Stover, Struble, Suit, Thompson, Torbet, Walker, Watson, Wells, and Wilson—37.

Those who voted in the negative were,

Messrs. Beach, Beane, Brady, Bryant, Buskirk, Cockrum, Crawford, Doughty, Douthit, Foster, Geddes, Gibson, Hay of Clark, Henry, Holladay, Howell, Huey, Hunt, Lavery, Major, Mayfield, McAllister, McConnell, McDowell, Nelson, Price, Reynolds, Smith of Marion, Smith of Spencer, Staton, Stuart, Sumner, Sweet, Williams, and Mr. Speaker—35.

So the amendment was concurred in.

The 9th amendment was disagreed to.

On motion by Mr. Buskirk.

The vote just taken was reconsidered.

The question then being on concurring in the 9th amendment,

The ayes and noes were demanded by Messrs. McDonald and Davis of Franklin.

Those who voted in the affirmative were,

Messrs. Beeson, Brady, Bryant, Buskirk, Chownng, Crawford, Cromwell, Davis of Sullivan, Dice, Donham, Donnohue, Doughty, Douthit, Eccles, Foster, Geddes, Gookins, Henry, Holman, Howell, Huey, Huffstetter, Humphreys, Hunt, King, Laverty, Lawrence, Leviston, Lindsey of Fayette, Linsday of Howard, McAllister, Miller, Nelson, Porter, Price, Smith of Marion, Stover, Struble, Suit, Sumner, Sweet, Torbet, Walker, Wells, Wilson, and Mr. Speaker—46.

Those who voted in the negative were,

Messrs. Barker, Beach, Beane, Behm, Cockrum, Cowgill, Davis of Franklin, Donaldson, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hicks, Holladay, Major, Mayfield, McDonald, McDowell, Sale, Shanklin, Smith of Spencer, Staton, Stuart, Watson, Williams, and Withers—28.

So the 9th amendment was concurred in.

The 10th, 11th and 12th amendments were concurred in.

The question being on concurring in the 13th amendment,

Mr. Smith of Marion moved to amend the amendment as follows:

SEC. —. That Wood and Foudray be allowed five dollars for the hire of two hacks at the funeral of Hon. Isaac H. Morris, late Representative from Henry county.

SEC. —. That John B. Stumph be allowed fifteen dollars for five days' service in preparing the Representative Hall for the present session.

SEC. —. That Coonrod Wehrly be allowed eighteen dollars for six days services in cleaning the Representatives' Hall keeping up fires in the same before the commencement of the present session.

Mr. Donaldson called a division of the question.

The first section of the amendment was agreed to, and the second and third sections of the amendment were disagreed to.

The 13th amendment of the Senate, as amended, was then concurred in.

The 14th amendment was disagreed to.

On motion by Mr. Hay of Clark,

The vote just taken was reconsidered.

The question then recurred on concurring in the 14th amendment;

And being put,

The ayes and noes were demanded by Messrs. Gibson and Hay of Clark.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beeson, Behm, Bryant, Buskirk, Chowning, Cockrum, Cromwell, Davis of Sullivan, Donnohue, Doughty, Douthit, Eccles, Geddes, Gibson, Gookins, Goudy, Graham, Hay of Clark, Holladay, Humphreys, Hunt, Laverty, Lindsey of Fayette, Lindsay of Howard, McAllister, McConnell, Owen, Sale, Schoonover, Scudder, Smith of Marion, Stover, Suit, Williams, and Mr. Speaker—37.

Those who voted in the negative were,

Messrs. Beane, Brady, Crawford, Davis of Franklin, Dice, Donaldson, Donham, Foster, Gunn, Hanna, Hart, Henry, Hicks, Howell, Huey, Huffstetter, Lawrence, Leviston, Major, Manson, McDonald, McDowell, Nelson, Porter, Price, Reynolds, Shanklin, Smith of Spencer, Struble, Sumner, Sweet, Thompson, Torbet, Walker, Watson, Wells, Wilson, and Withers—38.

So the 14th amendment was not concurred in.

The 15th amendment was disagreed to.

Mr. Hart moved to reconsider the vote just taken;

Which was disagreed to.

The 16th amendment was concurred in.

The question being put on concurring in the 6th engrossed amendment of the Senate,

The ayes and noes were demanded by Messrs. McConnell and Gibson.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Bryant, Buskirk, Chowning, Crawford, Davis of Sullivan, Dice, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Graham, Gunn, Hanna, Hart, Hay of Clark, Henry, Hicks, Howell, Huey, Humphreys, Hunt, King, Laverty, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Manson, McDowell, Miller, Nelson, Owen, Price, Reynolds, Sale, Schoonover, Scudder, Smith of Marion, Staton, Stover, Struble, Stuart, Suit, Sumner, Thompson, Torbet, Walker, Watson, Wells, Withers, and Mr. Speaker—61.

Messrs. Mayfield and Wilson voted in the negative.

Messrs. Davis of Franklin and Holman refused to vote.

No. quorum voted.

Mr. Hay of Clark moved a call of the House;

Which was disagreed to.

The question then recurred on concurring in the 6th engrossed amendment of the Senate,

And being put,

The ayes and noes were demanded by Messrs. Gibson and McConnell.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Bryant, Buskirk, Chowning, Cockrum, Cowgill, Cromwell, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Donnohue, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Goudy, Graham, Gunn, Hanna, Hay of Clark, Henry, Hicks, Holladay, Howell, Huey, Humphreys, Hunt, King, Lavery, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Manson, McAllister, McConnell, McDonald, McDowell, Miller, Nelson, Owen, Price, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Staton, Stover, Struble, Stuart, Suit, Sumner, Sweet, Thompson, Torbet, Walker, Watson, Wells, Williams, Withers, and Mr. Speaker—72.

No person voted in the negative.

So the amendment was concurred in.

Ordered that the Clerk inform the Senate thereof.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has reconsidered the vote refusing to concur in the engrossed amendment of the House to engrossed bill of the Senate No. 179, an act districting the State for judicial circuits, and have concurred therein, with sundry engrossed amendments of the Senate thereto.

In which the concurrence of the House is respectfully requested.

The amendments of the Senate were considered separately.

The question being put on concurring in the first amendment of the Senate,

The ayes and noes were demanded by Messrs. Cowgill and Reynolds.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Buskirk, Chowning, Crawford, Davis of Sullivan, Dice, Dobson, Donaldson, Donham,

Eccles, Foster, Geddes, Hanna, Henry, Hicks, Holman, Huffstetter, Humphreys, Lavery, Leviston, Lindsey of Fayette, Major, Manson, McAllister, McConnell, McDonald, Miller, Nelson, Owen, Schoonover, Smith of Marion, Struble, Sweet, Thompson, Torbet, Wells, Williams, Withers and Mr. Speaker—43.

Those who voted in the negative were,

Messrs. Bryant, Cockrum, Davis of Franklin, Doughty, Douthit, Gibson, Gookins, Goudy, Graham, Gunn, Hart, Hay of Clark, Holladay, Hunt, King, Lawrence, Lindsay of Howard, Mayfield, Sale, Scudder, Shanklin, Staton, Stover, Stuart, Suit, Sumner, Walker, and Watson—28.

Messrs. Carpenter and McDowell refused to vote.

So the first amendment was concurred in.

The question being on concurring in the second amendment,

Mr. Nelson moved to amend the 2d amendment as follows:

Take Carroll off the 8th, and add it to the 9th; take Jasper off the 9th, and add it to the 8th; Miami off the 10th, and add it to the 9th.

And the question being put,

The ayes and noes were demanded by Messrs. Huey and Reynolds.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Buskirk, Chowning, Crawford, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Eccles, Foster, Geddes, Gibson, Hanna, Henry, Holman, Huffstetter, Humphreys, Hunt, Lavery, Leviston, Lindsey of Fayette, Major, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Nelson, Owen, Price, Schoonover, Shanklin, Smith of Marion, Stover, Struble, Stuart, Sweet, Thompson, Torbet, Wells, Williams, Withers and Mr. Speaker—49.

Those who voted in the negative were,

Messrs. Bryant, Carpenter, Cockrum, Davis of Franklin, Douthit, Gookins, Goudy, Graham, Gunn, Hart, Hay of Clark, Hicks, Holladay, Lawrence, Lindsay of Howard, Manson, Sale, Scudder, Staton, Suit, Sumner, Walker, and Watson—23.

So the amendment was agreed to.

The question then recurred on concurring in the amendment with the amendment;

And being put,

The ayes and noes were demanded by Messrs. Gookins and McDowell.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Buskirk, Chowning Crawford, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Eccles, Foster, Hanna, Henry, Holman, Huffstetter, Humphreys, Lavery, Leviston, Lindsey of Fayette, Major, Manson, McAllister, McConnell, McDonald, McDowell, Miller, Nelson, Owen, Price, Schoonover, Smith of Marion, Stover, Struble, Stuart, Sweet, Thompson, Torbet, Wells, Williams, Withers, and Mr. Speaker—45.

Those who voted in the negative were,

Messrs. Bryant, Carpenter, Cockrum, Cromwell, Doughty, Douthit, Geddes, Gookins, Goudy, Graham, Gunn, Hay of Clark, Hicks, Holladay, Huey, Hunt, King, Lawrence, Lindsay of Howard, Mayfield, Reynolds, Sale, Scudder, Shanklin, Staton, Suit, Sumner, Walker, and Watson—29.

So the amendment was concurred in.

Ordered, that the clerk inform the Senate thereof.

Mr. Brady obtained leave and made the following report:

MR. SPEAKER:

The joint committee of Free Conference, to whom was referred House bill No. 294, have had the same under consideration, and have directed me to report it back with the accompanying amendments to Senate amendment, after the adoption of which they recommend the passage of the bill.

Amend by striking out "one," 2d line, Senate, amendment and insert "two."

Add at the end of 3d Senate amendment the following: "but the entire compensation of said committee shall not exceed four hundred and fifty dollars."

Add a proviso at the end of section 2, as follows:

Provided, There shall also be published in the same volume with the civil and criminal code, the acts for the organization of the supreme, circuit and common pleas courts, and the settlement of decedents' estates, and regulating the making of wills.

The question being put on concurring in the report of the committee.

The ayes and noes were demanded by Messrs. King, and Davis of Franklin.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Bryant, Buskirk, Chowning, Crawford, Dobson, Donaldson, Douthit, Eccles, Gibson, Hanna, Holladay, Huffstetter, Lavery, Lindsay of Howard, Manson, McConnell, McDonald, Owen, Schoonover, Smith of Marion, Stover, Stuart, Torbet, Williams, Wilson, and Mr. Speaker—31.

Those who voted in the negative were,

Messrs. Carpenter, Cockrum, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Donham, Donnohue, Doughty, Foster, Geddes, Gookins, Goudy, Graham, Gunn, Hart, Hay of Clark, Hicks, Holman, Humphreys, Hunt, King, Lawrence, Leviston, Major, Mayfield, McAllister, McDowell, Miller, Nelson, Price, Sale, Scudder, Shanklin, Staton, Struble, Suit, Sumner, Sweet, Thompson, Walker, Watson, and Wells—43.

So the House refused to concur in the report.

Ordered that the clerk inform the Senate thereof.

On motion by Mr. Doughty,

The House adjourned.

2 o'clock, P. M.

The House met.

On motion of Mr. Smith of Marion,
Leave of absence was granted Mr. Cowgill,

Mr. Bryant obtained leave and made the following report:

MR. SPEAKER:

The committee on Rights and Privileges, to which was referred the petition of sundry citizens of Posey county—praying that religious fairs, wherein pound cakes with gold rings in them, doll babies, pin cushions, &c., &c., are sold, may be prohibited by law, and that every man or women who gets up, aids or abets such fairs may be fined—has had the same under consideration, and directed me to report that it is particularly recommended to us in Scripture not to be religious overmuch, which your committee understands to mean that we should not permit our religious tendencies to degenerate into a morose and ascetic hostility to the innocent amusements of society.

Your committee is not aware of any demoralizing tendency in these religious or benevolent fairs: they are always held under the auspices and direction of ladies distinguished in their respective communities for every quality that adorns humanity, and for the accomplishment of some religious or benevolent purpose. Your committee believe further that the young men of the State are much more likely to be improved than demoralized, by being brought (even with the promise of amusement,) into association with the virtuous and benevolent females who are always the patrons and assistants at these fairs. Your committee cannot withhold an expression of its surprise, that such a petition should have emanated from Posey county. An impression has heretofore prevailed that the county of Posey was the very citadel of "Women's Rights," and that their right to furnish doll babies, pin cushions, &c., &c., either for their own use, or for sale at a fair, would never have been questioned in that quarter. Your committee does not doubt that it was with unfeigned regret, and only from a conviction of duty, that the distinguished gentleman who represents that county presented the said petition, exhibiting, as it does most clearly, that the fruits of his ministry are to be found abroad rather than at home. Your committee believe any legislation upon the subject unnecessary, and ask to be discharged from the further consideration thereof.

The committee were discharged.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill thereof:

No. 200. A bill to provide for the government of the Institution for the Blind.

In which the concurrence of the House is respectfully requested.

The bill was read a first time and passed to a second reading.

Mr. Hicks from a select committee made the following report:

MR. SPEAKER:

The select committee on Printing, to whom was referred sundry resolutions, petitions, and House bill No. 107, on the subject of printing, have had the same under consideration, and have directed me to report the same back to the House and recommend that they be laid on the table, all laws deemed necessary on the subject having passed at the present session; and the committee ask to be discharged from the further consideration of the same.

Which was concurred in.

On motion by Mr. Hicks,

The vote on concurring in the 14th engrossed amendment of the Senate to House bill No. 308 was reconsidered.

The question then recurred on concurring in said amendment ;

And being put,

It was agreed to.

Ordered that the Clerk inform the Senate thereof.

On motion by Mr. Humphreys,

The vote taken on concurring in the 15th engrossed amendment of the Senate to House bill No. 308 was reconsidered.

The amendment was then concurred in.

Ordered that the Clerk inform the Senate thereof.

Mr. Holman, chairman of the committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary committee having had two clerks in their employment at different periods during the progress of the session, in compliance with a recent resolution of the House, report that C. B. Ferguson was in their employment fifty-seven days, and having resigned his appointment on the 29th day of January, the committee on the 30th day of January appointed Strange S. Dunn to the vacancy, who, with slight intermission, remained in the employment of the committee during the subsequent portion of the session until the 20th of May, the whole number of days during which he was so employed being sixty-six. The committee states that both of those gentlemen performed the duties of clerk of the committee with promptness, and a reasonable degree of ability.

WM. S. HOLMAN, *Chairman.*

On motion by Mr. Davis of Sullivan,

The vote taken on concurring in the 8th engrossed amendment of the Senate to House bill No. 308, was reconsidered.

The House then refused to concur in the said amendment.

Ordered, that the Clerk inform the Senate thereof.

Leave was granted Mr. Davis of Franklin to change his vote from the affirmative to the negative on concurring in the 2d engrossed amendment of the Senate to Senate bill No. 179.

Leave was granted Mr. Torbet to change his vote from the affirmative to the negative on the vote adopting the amendment of Mr. Wells to the instructions of Mr. Miller on House bill No. 311, (on 15th June.)

Mr. Donnohue moved to reconsider the vote on concurring in the report of the joint committee of Free Conference on the disagreement between the two Houses to House Bill No. 294.

And the question being put,

The ayes and noes were demanded by Messrs. Holman and Suit.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Bryant, Buskirk, Chowning, Cowgill, Crawford, Donaldson, Donnohue, Douthit, Gibson, Hay of Clark, Hays of White, Henry, Holladay, Huey, Huffstetter, Lavery, Lindsay of Howard, Manson, McConnell, McDonald, Miller, Owen, Schoonover, Smith of Marion, Stover, Stuart, Sumner, Torbet, Williams, Withers, and Mr. Speaker—34.

Those who voted in the negative were,

Messrs. Beeson, Behm, Carpenter, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Donham, Doughty, Foster, Geddes, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Hicks, Holman, Howell, Humphreys, Hunt, King, Lawrence, Leviston, Lindsey of Fayette, Major, Mayfield, McAllister, McDowell, Nelson, Price, Reynolds, Sale, Scudder, Shanklin, Staton, Struble, Suit, Sweet, Thompson, Walker, and Wilson—43.

So the vote was not reconsidered.

Mr. Buskirk obtained leave and made the following report:

MR. SPEAKER:

The committee of Free Conference to whom was referred the difference between the two Houses on House bill No. 104, have considered the same, and instructed me to report the same back, and recommend the adoption of the amendment of the Senate to said bill with two amendments thereto; and they ask to be discharged from the further consideration thereof.

Amend section one as follows:

Brown,	95	Miami,	71
Clay,	126	Orange,	45
Dearborn,	125	Pike,	93
Dubois,	87	Porter,	287
Franklin,	120	Posey,	143
Fulton,	203	Randolph,	190
Grant,	185	Spencer,	110
Greene,	110	Starke,	235
Howard,	165	Tipton,	150
Jay,	210	Vigo,	135
Martin,	78		

Amend section two as follows:

Dubois,	140	Pike,	150
Fulton,	93	Porter,	177
Grant,	75	Randolph,	89

Howard,	55	Spencer,	182
Jay,	100	Switzerland	103
Ohio,	95	Tipton	40

Which report was concurred in.

Ordered that the clerk inform the Senate thereof.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate insists upon its 3d and 8th engrossed amendments of the Senate to engrossed bill of the House No. 308, "an act making specific appropriations for the year 1852," and have concurred in the engrossed amendment of the House to engrossed amendments of the Senate thereto.

Mr. Buskirk moved that the House recede from its 3d engrossed amendment;

Which was disagreed to.

The House refused to recede from its 8th engrossed amendment.

On motion,

A committee of Free Conference was ordered.

Messrs. Owen and Bryant were appointed said committee.

Ordered that the clerk inform the Senate thereof.

A message from the Senate by Mr. Dunn their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House:

No. 300. "An act relative to the salaries of public officers, and providing the manner of paying the same."

With sundry engrossed amendments of the Senate thereto.

In which the concurrence of the House is respectfully requested.

The engrossed amendments of the Senate were considered separately.

The 1st amendment was agreed to.

The 2d and 3d amendments were disagreed to.

The question being put on concurring in the 4th amendment, amending the 6th specification,

The ayes and noes were demanded by Messrs. Miller and Beeson.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Bryant, Carpenter, Chowning, Cowgill, Donohue, Douthit, Gookins, Henry, Lavery, Manson, McConnell, Mc-

Dowell, Owen, Porter, Smith of Marion, Stover, Stuart, Sweet, and Wilson—21.

Those who voted in the negative were,

Messrs. Barker, Beeson, Behm, Buskirk, Crawford, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Donaldson, Donham, Doughty, Eccles, Foster, Geddes, Gibson, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Hicks, Holladay, Holman, Howell, Huey, Huffstetter, Humphreys, Hunt, King, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Mayfield, McAllister, McDonald, Miller, Nelson, Price, Reynolds, Sale, Scudder, Shanklin, Struble, Suit, Thompson, Watson, Wells, Williams, Withers, and Mr. Speaker—55.

So the 4th amendment was disagreed to.

The 5th and 6th amendments were disagreed to.

The 7th amendment was agreed to.

On motion,

A committee of Free Conference was ordered.

Messrs. Bryant and Owen were appointed said committee.

Ordered that the Clerk inform the Senate thereof.

Mr. Reynolds obtained leave to record his vote in the negative on the question of concurring in the second amendment of the Senate to House bill No. 179.

A message from the Senate by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bill thereof:

No. 165. A bill supplemental to an act to provide for the incorporation of railroad companies.

In which the concurrence of the House is respectfully requested.

The bill was read a first time and passed to a second reading.

On motion by Mr. Huffstetter,

Leave of absence was granted Mr. Barker from and after Friday next.

On motion by Mr. Gibson,

Leave of absence was granted Mr. Suit from and after Friday next.

On motion by Mr. Holman,

Leave of absence was granted Mr. Behm from and after Friday next.

On motion by Mr. Huey,

Leave of absence was granted Mr. Gunn from and after Friday next.

On motion by Mr. Behm,

Leave of absence was granted Messrs. Withers and Davis of Franklin from and after Friday next.

On motion by Mr. Buskirk,
Leave of absence was granted Mr. Holman.

Mr. Dice moved that leave of absence be granted all the members who desire it from and after Friday next;

Which was disagreed to.

Mr. King moved that leave of absence be granted Mr. Stuart from and after to-morrow morning;

Which was disagreed to.

Mr. Gunn moved that leave of absence be granted Mr. Huey from and after Friday next;

Which was disagreed to.

Mr. Nelson, from a committee of Free Conference, made the following report:

MR. SPEAKER:

The committee of Free Conference appointed on disagreement of the House to engrossed amendment of the Senate to House bill No. 298, "a bill to apply certain funds therein named to the payment of the public debt," have conferred together, and have agreed upon the following report:

Ist. Strike out the words "two and one-half" in the 3d line of the 1st section of the amendment of the Senate and insert "two."

Also add the following proviso to the end of the section:

Provide!, That such tax shall not apply to this current year.

Which report was concurred in.

Ordered, that the Clerk inform the Senate thereof.

Mr. Owen, from the joint committee on Revision, made the following report:

MR. SPEAKER:

The committee on Revision report, as to clerks employed by them in the engrossment of bills, making out lists of bills referred to them, the disposition of the same, and other matters necessarily connected with the business of the committee, that there were employed

A. F. Chapin.....33 days.

Geo. L. Sites....40 days.

Mr. Sale from the committee on Enrolled Bills made the following report:

MR. SPEAKER:

The committee on Enrolled Bills have compared the following enrolled with the engrossed bill of the corresponding number of

the House, and direct me to report to the House that the same is correctly enrolled, bill No. 283, entitled "an act relating to the fees of officers."

THO. C. W. SALE.

Whereupon the Speaker signed the same.
Ordered, that the clerk inform the Senate thereof.

A message from the Senate by Mr. Dunn their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the report of the committee of Free Conference to whom was referred the disagreement of the two houses upon engrossed bill of the Senate No. 129, a bill providing for the election and prescribing certain duties of county surveyors.

A message from the Senate by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the engrossed amendment of the House to engrossed amendment of the Senate to engrossed amendment of the House to engrossed bill of the Senate No. 179, an act districting the State for judicial circuits.

A message from the Senate by Mr. Dunn their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the engrossed amendment of the House to engrossed amendment of the Senate to engrossed bill of the House No. 176, "an act for the organization of canal and water works companies and for the completion of the unfinished canals in the State of Indiana.

A message from the Senate by Mr. Dunn their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate insists upon its engrossed amendment to engrossed

amendments of the House to engrossed bill of the Senate No. 105 "an act regulating the vending of spirituous liquors," and have appointed Messrs. Berry and Emerson a committee of Free Conference upon the part of the Senate to act with a similar committee already appointed upon the part of the House.

Mr. Smith of Marion, chairman of the committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The committee on Enrolled Bills have compared the following enrolled with the engrossed bills of the House of the corresponding numbers, and report them to the House correctly enrolled:

No. 191. An act to amend the third section of an act entitled "an act to incorporate the White River Navigation Company," approved Feb. 13, 1851, and to extend the rights and privileges of said company.

No. 210. An act regarding estrays and articles adrift.

No. 277. An act to authorize the State Printer to print, bind and publish, one thousand copies of the laws passed by the present General Assembly, in the German language.

No. 223. An act concerning trusts and powers.

Whereupon the Speaker signed the same.

Ordered, that the Clerk inform the Senate thereof.

Mr. Laverty from the joint committee on Enrolled bills, made the following report:

MR. SPEAKER:

The joint committee on Enrolled bills have this day presented to the Governor for his approval, enrolled bills of the House numbered 191, 210, 277 and 283.

A message from the Governor by Mr. King executive messenger:

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives that he has approved and signed the following bills, to-wit:

No. 9. An act to authorize county auditors and recorders to re-copy maps and plats, when the original copies are worn or defaced.

No. 32. A joint resolution in relation to the extension of time

for the payment of claims due from certain citizens of this State to the bondholders.

No. 102. An act regulating the licensing of Pilots at the falls of Ohio, requiring bond and security of such pilots, prohibiting any unlicensed person from acting as such pilot, and providing for the compensation of such pilots, and the revocation of their licenses.

No. 165. An act to repeal special laws in relation to the fees of county Auditors.

No. 256. An act to provide for township elections.

No. 287. An act for the protection of sheep.

Which bills originated in the House of Representatives.

On motion by Mr. King,
The House adjourned.

THURSDAY MORNING, 7½ o'clock, }
June 17, 1852. }

The House met.

The clerk proceeded to read the journal,

When,

On motion by Mr. Doughty,
The further reading thereof was dispensed with.

By unanimous consent of the House.

Mr. King obtained leave and offered the following resolution:

Resolved, That the committee of Investigation on the matters alleged in Mr. Carpenter's motion, be permitted to sit during the session of the House to-day, and have power to send for persons and papers.

Which was agreed to.

Mr. Geddes moved that leave of absence be granted Mr. Holladay from 12 o'clock M., (inst.)

Which was disagreed to.

On motion by Mr. Holman,

A committee of Free Conference was ordered upon the disagreement between the two Houses on House bill No. 294, a bill in relation to the printing and distribution of the Revised Statutes.

Messrs. Holman and Linsday of Howard were appointed said committee.

Ordered, that the Clerk inform the Senate thereof.

On motion by Mr. Huffstetter,
Leave of absence was granted Mr. Manson from and after Friday.

Mr. Stover obtained leave and made the following report:

MR. SPEAKER:

The select joint committee on Revision, to whom was referred Senate bill No. 105, a bill to enable county commissioners in the several counties to borrow money, &c., have directed me to report the same back and recommend that it be laid on the table, inasmuch as similar provisions have been incorporated in the bill organizing county boards.

Which was concurred in.

ORDERS OF THE DAY.

Senate bill No. 200, a bill to provide for the better support and management of the Indiana Institute for the Blind;

Was read a second time, and considered as in committee of the whole, and reported to the House without amendment.

On motion by Mr. Hay of Clark,
The bill was laid on the table.

Senate bill No. 165, a bill supplemental to an act to provide for the incorporation of railroad companies;

Was read a second time and considered as in committee of the Whole, and reported to the House without amendment.

On motion,
The bill was laid on the table.

Mr. Buskirk, chairman of the committee on Ways and Means, obtained leave and made the following report:

MR. SPEAKER:

The committee on Ways and Means have the honor to make the following report of their examination of the offices of the Treasurer and Auditor of State, and of the Receipts and Expenditures at the State Treasury:

The committee have carefully examined the accounts of the Treasurer and the Auditor of State, and they take pleasure in say-

ing that the vouchers of receipts at the Treasury and warrants of the Auditor correspond in every particular with the entries on the respective registers of warrants and receipts, which form the basis of accounting in the offices of the Treasurer and Auditor. The registration of bonds and treasury notes redeemed also correspond perfectly with the bonds and treasury notes submitted to the inspection of the committee, with the exception of bonds surrendered under the two acts providing for the funded debt, as will more fully appear in a subsequent part of this report.

Appended hereto is a statement, marked A, exhibiting the receipts and expenditures at the State Treasury for the fiscal year ending on the thirty-first day of October last. From this statement it appears that at the close of the last fiscal year the balance in the Treasury, exclusive of the funds of the Wabash and Erie canal, amounted, provided all warrants issued had been redeemed, to the sum of \$20,148 09.

By reference to the report of this committee, made to the House on the 15th day of January last, it will be seen that at that time the committee had examined bonds and treasury notes—consisting in part of blank and partially filled up bonds and notes, and partly of those redeemed, to the amount of \$2,290,436 88, and by a resolution of the same date the House authorized the committee, in accordance with their recommendation, to burn and destroy a portion of the said bonds and notes, to the amount of \$1,305,436 88.

Exhibit B, appended to this report, contains a full exhibit of all bonds and notes examined by the committee, distinguishing those burned and destroyed by the committee from those which are only cancelled, and which the committee have judged it expedient not to destroy. This statement also includes treasury notes of various denominations redeemed at the treasury during the last fiscal year and cancelled.

The notes and bonds included in exhibit B have all been carefully examined by the committee, and all which had not been previously cancelled have been cancelled and marked with the utmost thoroughness. The bonds surrendered under the State debt arrangement amounting to \$5,763,000 of principal, have each been carefully examined. Every bond and coupon was scrutinized to ascertain whether they had been cancelled, and wherever the cancellation marks were wanting, they have been supplied.

Statement No. 4 of exhibit B shows the amount of these bonds returned cancelled to the State Treasury, classified into their different denominations. It will be perceived that only a portion of the surrendered bonds have been returned to the State Treasury. The Agent of State, in his report of December, 1847, states that up to July of that year over \$8,000,000 in bonds had been surrendered to him in New York, and that up to the date of that report the surrendered bonds had reached the amount of \$9,009,000. The Auditor of State in his last report stated the amount of surrendered

bonds, for which new stock had been issued, at \$9,748,000. The number of bonds subscribed upon is reported by the State Agent and the Trustees of the W. & E. Canal at 8,130, representing the sum of \$8,130,000. It will appear from exhibit B that the surrendered bonds transmitted by the Agent of State to the Treasury during the present session only amount to the sum of \$5,763,000 of principal, as above stated, while the bonds subscribed on amount to only \$4,670,000, a little more than one-half of the amount reported as subscribed on. These bonds were returned to the State Treasurer's office during the present session, in compliance with a request made by this committee to the Agent of State, and it was supposed by the committee that the full amount would be returned together. The committee cannot doubt that the full amount of bonds heretofore reported as surrendered to the State in exchange for new stocks have been so surrendered, yet it is apparent that the object of the committee, namely, a thorough accounting for those bonds, has been frustrated by this exhibition of but little more than half the amount heretofore reported as having been redeemed and cancelled. The committee are of opinion that the Auditor and Treasurer of State should be instructed to institute a thorough investigation of this subject, and report the result of that investigation to the next General Assembly. By reference to the report of the Agent of State made in 1848, it will be perceived that he recommends that an exact counterpart of the books of that agency be kept by the Auditor of State, and that all entries of the issue or transfer of stock on those books should be duplicated on those kept by the Auditor. The Agent recommends this provision as a safeguard against fires and accidents; the committee regard it as but a just and usual precaution, such as no good business man would neglect, that the State should have all the operations of the agency brought directly under the eyes of its home officers and Legislature. The committee are clearly of the opinion that all stocks surrendered to or redeemed by the Agent should be returned for the inspection of the Legislature.

The actual issue of treasury notes bearing $\frac{1}{4}$ of one per cent. interest amounted to \$41,250. But the amount of notes of this description, redeemed at the Treasury, up to the close of the last fiscal year, is \$49,830, being an excess over the amount issued—as indicated by the registers, as well as by the blanks examined by the committee—of \$8,580. Of this amount redeemed the sum of \$20,375 was found to be of duplicated and triplicated numbers. The numbers on the registers of notes issued indicate the sum of \$1,705, even if no more duplicates were outstanding, which would swell the loss to \$10,285. The duplicates and triplicates already redeemed represent an excess of \$10,220. It is certain that the loss will exceed this amount, as there are now some duplicates in the hands of the Treasurer, received this year. It will be safe to set down the loss of the State at not less than \$10,285, and it will probably reach \$11,000, exclusive of interest.

Your committee have instituted the most thorough examinations, with a view to discover the origin of this great fraud upon the treasury, but without success. One supposition has been that a portion of these notes, after having been once redeemed at the treasury and so registered has been reissued. But it is certain that a considerable number are actual duplicates, and this supposition could not therefore apply to all. It was then thought that the blanks in the treasurer's office had been filled up with duplicate numbers, but, this appears not to have been the fact. From a voucher in the Auditor's office it appears that the State was charged for 10,000 impressions making 40,000 bills of this description. Of this number, 5,750 were returned unissued and were cancelled and destroyed; your committee destroyed blanks to the number of 26,220, which numbers added to the number issued 8,250, make up a total of 40,220 bills, a small excess over the number charged for. The plates from which these notes were struck were never secured by the State but remained in the hands of the engravers; and from them additional impressions could have been taken, equally genuine as those issued by the State. It seems most probable that this was done; yet the officers of State have never been able to detect any difference in the filling up and signatures of these duplicates, by reason of which one could be pronounced genuine and the other spurious.

Your committee are of the opinion that the only profit the State can ever realize out of this loss, will be the lesson of the importance of a more rigid scrutiny into the action of her officers and agents than has ever heretofore been practiced.

The committee, as required by law, have examined the accounts and vouchers of the board of trustees of the Wabash and Erie canal exhibiting their receipts and disbursements for the year ending on the 30th day of September last.

By the 18th section of the act supplementary to the act to provide for the funded debt, &c., approved January 27th, 1847, it is provided that the trustees shall report to the auditor, semi-annually, namely, up to the first days of April and October, annually, a minute and detailed statement of their receipts and expenditures, arranged under appropriate heads, accompanied in all cases, when practicable, by the proper vouchers; and said auditor shall carefully examine said accounts and make settlement thereof, and enter the same in the proper books of his office, as is provided in section twenty-four, chapter thirteen, of Revised Code of 1843: Third, Said trustees shall accompany said reports with an abstract of all sales of canal lands; also, an abstract of all payments of interest and penalties; also, an abstract of partial payments of principal on lands previously sold; also, an abstract of all final payments on canal lands; noting the names of the several assignees, (if any); the date of such final payment, and date of patent issued thereon, and to whom patented; all of which if found correct, the auditor shall record in the proper books of his office, in the same manner that

sales and payments for canal lands have heretofore been kept in his office.

From this extract it appears that it was the intention of the legislature to provide for a strict accounting between the trustees and the State at the expiration of every period of six months. When it is considered that under the most favorable circumstances, this trust will probably continue for the space of some thirty years or more, the necessity for such accounting will be apparent. If the accounting should be deferred until the expiration of the trust, it would be perfectly impracticable to scrutinize the vast number of items entering into the accounts of the trustees, and the result must necessarily be that the parties interested in the trust must, in the main, be compelled to adjust their balances blindly and without that certainty which every prudent man of business would require in his own affairs.

The committee of Ways and Means in their report made to the last Legislature, stated that the only voucher produced for about one hundred and fifty thousand dollars of the previous expenditures of the trustees, was "the certificate of the clerk of the board of trustees, an officer appointed by the trustees, and responsible only to them. The committee cannot regard his certificate in any other light than as the certificate of the trustees themselves."

In examining the vouchers of the trustees for the year ending on the 30th of September last, the committee found that out of a total amount of receipts of \$365,761 43, there were furnished to the Auditor only the clerk's certificate of vouchers in the office or his own individual certificate of the receipt of the sum of \$67,981 51; and out of a total of expenditures of \$414,273 27, there were no vouchers nor certificates of any for the sum of\$25,947 71 The clerk at Terre Haute certified to vouchers in New

York for the sum of	24,533 00
The same clerk certified to vouchers for sums paid to	
canal superintendents, amounting to	35,955 05
Also to Mr. Butler's account for	4,111 07
And gave certified copies of vouchers for	6,730 52
He receipted for a contractor for	243 75
And for an agent, for	28 00

Making a grand total of expenditures for which no sufficient vouchers were presented to the Auditor, of ... \$97,549 10

The committee represented these deficiencies to the resident trustee, who caused vouchers and statements to be exhibited to the committee which satisfied them that these sums had actually been received and expended; and the committee feel confident that the irregularity complained of will be corrected in future. They feel constrained, however, to remark that the vouchers, even when presented, are not always sufficiently explicit in setting forth the particular objects of expenditure and the sums expended for each ob-

ject. It often occurs that two objects are embraced in the same voucher, and the gross amount only is stated. In other instances, the gross amount of expenditure is alone certified to, stating the objects of the expenditure in terms so general and vague as to amount in effect to a withholding of the voucher. As in nearly every instance of receipt and expenditure, the production of a proper voucher is practicable, the committee regard it as the duty of the Auditor to demand the production of such vouchers.

In the abstracts of sales of lands in the Vincennes district and lands west of Tippecanoe, no statement of partial and final payments of lands sold on a credit has ever been furnished by the trustees. The consequence of this omission is that the Auditor is unable to post the land accounts and compare them with the reports of receipts from that source. The names of assignees and dates of patents are also omitted in these abstracts. The committee indulge the hope that the mere mention of these deficiencies will induce the trustees to supply them in future, and if not, that the Legislature will apply the requisite corrective.

The committee estimate that the revenue from last year's assessment will be sufficient to defray all expenses of the present year, including the payment of the Bank debt, and leave a surplus sufficient to pay the instalment of interest on the public debt, payable in January, 1853. They estimate that the following sums will require to be provided for out of the revenue of this year:

July interest, 1853	\$160 000
Benevolent Institutions	100,000
Ordinary expenses of 1853 and contingencies	120,000
<hr/>	
Total	\$380,000

As the domestic debt will have been almost if not entirely redeemed during the current year, that item is omitted in the estimates. The expenses of the State Benevolent Institutions, which have heretofore been provided for by a separate tax, are this year included in the general estimates of the State. Under the salutary operation of our present assessment law, so large an amount of property which before escaped assessment has been made taxable, that the larger number of tax payers will experience a decided relief under the revenue bill reported at this session by this committee.

The committee feel confident that the assessment provided for in that bill, of twenty cents on each hundred dollars' value of taxables and a fifty cent poll tax will raise a revenue amply sufficient to meet the above estimates for the coming year. This reduction of one-third in the assessment for State purposes, made at the very time that the State is about commencing to pay the full interest on her funded public debt, is a gratifying evidence of the sufficiency of

our resources to meet all the obligations resting upon the State, and at no distant day, to make provision for extinguishing the principal of our public debt.

EXHIBIT A.

Statement of receipts and expenditures for the year ending October 31, 1851.

Balance in treasury, Oct. 31, 1850.....	\$347,849 93
Receipts for the year 1851.....	984,398 95
Total receipts.....	1,332,248 88
Deduct amount of warrants drawn for same period..	1,150,988 66
Leaving balance in treasury.....	\$181,260 22

This is but an apparent balance, there being still a deficiency at the end of the year.

The true condition of the treasury is very nearly as follows:

Balance above stated.....	\$181,260 22
Add warrants outstanding, including 16,000 McGinley claim	16,585 52
Borrowed from Bank.....	105,556 80
Total in treasury	303,402 54
Deduct balance in treasury to credit of W. and E. Canal Trustees.....	146,398 25
Treasury notes on hand for cancellation	136,856 20
Total ..	\$283,254 45
Leaving the balance in the treasury Oct. 31, 1851...	\$20,148 09

The ordinary expenses for the support of the State government during the year have been as follows:

ORDINARY EXPENSES.

On account of Probate Judges.....	\$4,512 00
On account of Supreme and Circuit Judges.....	11,100 74
On account of State House.....	727 55
On account of specific appropriations.....	2,402 18
On account of public printing, paper and binding...	9,815 74

On account of legislative expenses.....	30,420 85
On account of State Library.....	242 21
On account of the militia.....	259 15
On account of stationery and fuel.....	3,177 09
On account of executive department.....	4,272 39
On account of contingent fund, to-wit:	
Postage for executive departments.....	\$351 74
Printing and records.....	40 75
Serving respites.....	37 60
Stationery.....	14 16
Attorney's expenses.....	16 75
Transportation of books.....	8 65
	<hr/>
	469 65
On account of Governor's Circle.....	7 43
On account of Governor's House.....	484 87
On account of State's Prison.....	3,425 16
On account of distributing laws and journals.....	493 35
	<hr/>
Total.....	<u>\$71,810 36</u>

EXHIBIT B.

Statement No. 1.—Treasury notes received for revenue for the year
1850.

<i>Date of Issue.</i>	<i>Denomination.</i>	<i>Number of Notes.</i>	<i>Amount of Interest allowed on each note.</i>	<i>Total amount of Interest.</i>	<i>Total amount of principal.</i>
April 20, 1840.....	\$50	181	\$31 58	\$5,715 98	\$9,050
September 20, 1840..	50	17	30 33	515 61	850
April 20, 1840.....	5	2293	3 16	7,245 88	11,465
September 20, 1840..	5	518	3 03	1,569 54	2,590
February 10, 1841...	5	54	2 92	157 68	270
April 1, 1841.....	5	66	2 88	190 08	330
May 1, 1841.....	5	75	2 85	213 75	375
June 1, 1841.....	5	33	2 83	93 39	165
July 1, 1841.....	5	125	2 80	350 00	625
September 1, 1841...	5	72	2 75	198 00	360
October 1, 1841.....	5	33	2 72	89 76	165
November 1, 1841...	5	42	2 70	113 40	210
December 1, 1841....	5	97	2 67	283 99	485
January 1, 1842.....	5	119	2 65	315 35	595
February 1, 1842....	5	147	10	14 70	735
<i>Five per cent. Bank Scrip.</i>					
April 1, 1842.....	5	549	2 15	1,180 35	2,745
May 1, 1842.....	5	524	2 12	1,110 88	2,620
June 1, 1842.....	5	1228	2 10	2,578 80	6,140
July 1, 1842.....	5	563	2 08	1,171 04	2,815
August 1, 1842.....	5	297	2 06	611 82	1,485
Total				20,813 70	48,120

Notes redeemed at the office of the sinking fund 9,624

Total interest..... \$44,508 70

Total principal 92,195 00

Total principal and interest of notes received for revenue of 1850, destroyed by the committee..... \$136,703 70

Statement No. 2—Of Treasury Notes and Bonds examined and destroyed by committee of Ways and Means, at the present session.

Notes redeemed before 1850, as follows:

Wabash and Erie canal scrip, E. of T., in packages numbered 1, 2 and 3, in the schedule of transfer from G. H. Dunn to R. Mayhew,	\$64,871 88
Six per cent. Treasury Notes in package No. 4, of same schedule, 1943 bills of the denomination of \$5, and 443 bills of the denomination of \$50,—amounting to the sum, of principal, of	31,865. 00
Total of notes of this description redeemed,	<u>\$96,736 88</u>

Of notes and bonds in blank, or only executed in part:

Quarter per cent. Treasury Notes numbered from 14,000 to 20,000, signed by the Auditor and countersigned, 6,000 bills,	\$30,000
Same description of notes not signed, but numbered from 20,000 to 40,000—20,000 bills,	100,000
Same description of notes in blank—220 bills,	1,100
Wabash and Erie canal scrip, W. of T., numbered from 16,100 to 24,999 (blank,)—35,596 bills,	177,980
Bank scrip, in blank, 1,328 bills,	6,640
Madison and Indianapolis Railroad scrip, in blank, 1,436 bills,	7,180
State 7 per cent. \$100 bonds signed in sheets by N. Noble—400 bills,	40,000
Bonds of same description in blank—3,590 bills,	359,000
Seven per cent. \$1,000 bonds, in blank—305 bonds,	305,000
Indiana Railroad \$1,000 bonds, in blank—62 bonds,	62,000
Bank bonds signed by N. Noble, but not fully filled up—5 bonds of \$1,000 each,	5,000
Total notes and bonds of this description,	<u>\$1,093,900</u>

Statement No. 3—Of Notes and Bonds examined and cancelled, but not destroyed by the committee.

Treasury Notes of the denomination of \$50—2,326 bills,	\$116,300
Seven per cent. 2 year \$1,000 bonds, signed only by Geo. H. Dunn—199 bonds,	199,000
Seven per cent. Internal Improvement \$1,000 bonds, signed by Noble and Dunn—196 bonds,	196,000
Seven per cent. \$1,000 bonds cancelled, but probably never issued—48 bonds,	48,000
Internal Improvement \$1,000 bonds signed by Geo. H.	

Dunn, numbered from 301 to 800,.....	500,000
Bonds of same description in blank—42 bonds,.....	42,000
Six per cent. \$1,000 bonds partially executed, returned to the treasury by M. G. Bright—51 bonds,.....	51,000
Total of notes and bonds in this statement,.....	<u>\$1,152,300</u>

Statement No. 4—Cancelled Bonds surrendered under the State Debt arrangement, returned to the Treasury by the State Agent, and examined by the committee.

Internal Improvement £ Bonds,.....	1857
Do do \$ “	2515
Bank Bonds,.....	447
Madison and Lafayette Railroad Bonds,.....	212
Lawrenceburgh and Indianapolis Railroad Bonds,	71
Wabash and Erie Canal Bonds,.....	649
Seven per cent. Interest Bonds,.....	12

Total number of Bonds, 5,763

Total amount of principal, \$5,763,000

1,427 separate coupons accompanied these bonds.

Of the above bonds 4,639 were subscribed on; 1,093 not subscribed on, and 31 were doubtful.

SAMUEL H. BUSKIRK,	ROBERT GEDDES,
F. W. HUNT,	ELI LEWIS,
O. B. TORBET,	W. CARPENTER,
N. R. LINSDAY,	HENRY BRADY.
I. D. G. NELSON,	

On motion by Mr. Hay of Clark,

Senate bill No. 200, a bill to provide for the better support and management of the Indiana Institute for the Education of the Blind,
Was taken from the table.

Mr. McDowell moved to suspend the rule and read the bill a third time now.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Bryant, Buskirk, Carpenter, Chowning, Cowgill, Crawford, Cromwell, Davis of Franklin, Dice, Dobson, Donaldson, Donham, Donnohue, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Henry, Hicks, Holman, Howell, Huey, Huffstetter, Humphreys, Hunt, King, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Manson, McAllister, McConnell, McDowell, Miller, Nelson, Porter, Price,

Reynolds, Sale, Shanklin, Smith of Marion, Stover, Struble, Stuart, Suit, Sumner, Sweet, Thompson, Torbet, Walker, Watson, Wells, and Williams—69.

Those who voted in the negative were,

Messrs. Holladay and Withers—2.

So the rule was suspended and the bill read a third time.
The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Bryant, Buskirk, Carpenter, Chowning, Cowgill, Crawford, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Donnohue, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Henry, Hicks, Holladay, Holman, Howell, Huey, Huffstetter, Humphreys, Hunt, King, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Manson, McAllister, McConnell, McDowell, Nelson, Owen, Porter, Price, Reynolds, Sale, Schoonover, Scudder, Shanklin, Smith of Marion, Stover, Struble, Stuart, Suit, Sweet, Torbet, Walker, Watson, Wells, Williams, Withers, and Mr. Speaker—72.

No person voted in the negative.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House:

No. 314. A bill relative to the taxation of lands in towns and cities.

With sundry engrossed amendments of the Senate thereto.

In which the concurrence of the House is respectfully requested.

The engrossed amendment of the Senate was concurred in,

Ordered that the Clerk inform the Senate thereof.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill thereof:

No. 202. An act to provide for the settlement of claims against the State.

In which the concurrence of the House is respectfully requested.

The bill was read a first time.

Mr. Barker moved to suspend the rule and read the bill a second time now.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Bryant, Buskirk, Carpenter, Chowning, Crawford, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Donaldson, Donham, Donnohue, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Hanna, Hart, Hay of Clark, Hays of White, Henry, Hicks, Howell, Huey, Humphreys, Hunt, King, Lawrence, Leviston, Lindsey of Fayette, Major, McConnell, McDowell, Nelson, Porter, Price, Reynolds, Stover, Struble, Stuart, Suit, Sweet, Withers, and Mr. Speaker—50.

Those who voted in the negative were,

Messrs. Behm, Gookins, Goudy, Graham, Gunn, Holladay, Holman, Huffstetter, McAllister, Sale, Schoonover, Shanklin, Smith of Marion, Staton, Sumner, Torbet, Walker, Watson, and Wells—19.

So the rule was suspended and the bill read a second time.

Mr. Behm moved to indefinitely postpone the bill.

Mr. Graham moved to lay the bill on the table.

And the question being put,

The ayes and noes were demanded by Messrs. Holman and Behm.

Those who voted in the affirmative were,

Messrs. Beane, Behm, Bryant, Davis of Franklin, Dice, Donham, Donnohue, Doughty, Gookins, Goudy, Graham, Gunn, Hart, Hay of Clark, Hicks, Holman, Huey, King, Leviston, Lindsey of Fayette, Major, Owen, Porter, Price, Reynolds, Sale, Schoonover, Scudder, Shanklin, Stevens, Struble, Suit, Sumner, Torbet, Watson, Wells, and Wilson—37.

Those who voted in the negative were,

Messrs. Barker, Beach, Buskirk, Chowning, Crawford, Davis of Sullivan, Dobson, Donaldson, Douthit, Eccles, Foster, Geddes, Gib-Hanna, Hays of White, Holladay, Howell, Huffstetter, Humphreys, Hunt, Lawrence, Manson, McAllister, McConnell, McDowell, Nelson, Smith of Marion, Stover, Stuart, Sweet, Withers, and Mr. Speaker—32.

So the bill was laid on the table.

Mr. Bryant, from a committee on Free Conference, made the following report:

MR. SPEAKER:

The committee of Free Conference on House bill No. 308, has directed me to report that the committee of the Senate agrees to recede from the Senate amendment to section 84, and that the committee on the part of the House agree that the House recede from its disagreement to the Senate's amendment to section 75.

The question being put on concurring in the report,

The ayes and noes were demanded by Messrs. Davis of Franklin and Hart.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Bryant, Buskirk, Carpenter, Chowning, Crawford, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Eccles, Geddes, Gibson, Gookins, Goudy, Henry, Holman, Huffstetter, Humphreys, Hunt, Manson, McAllister, McConnell, McDowell, Nelson, Owen, Porter, Schoonover, Shanklin, Smith of Marion, Staton, Stover, Struble, Stuart, Suit, Sumner, Sweet, Torbet, Wells, Williams and Mr. Speaker—44.

Those who voted in the negative were,

Messrs. Davis of Franklin, Donnohue, Doughty, Douthit, Foster, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Hicks, Howell, Huey, King, Lawrence, Leviston, Lindsey of Fayette, Major, Miller, Price, Reynolds, Sale, Scudder, Walker, Watson, Wilson, and Withers—27.

So the report was concurred in.

Ordered, that the clerk inform the Senate thereof.

Mr. Davis of Franklin moved the House adjourn.

Which was disagreed to.

On motion by Mr. Torbet,
Senate bill No. 165, a bill supplemental to an act to provide for
the incorporation of Railroad Companies ;
Was taken from the table.

On motion by Mr. Torbet,
The bill was referred to a select committee of three.
Messrs. Holman, Torbet and Manson were appointed said committee.

On motion by Mr. Lindsay of Howard,
Leave of absence was granted Mr. Miller from and after to-day.

On motion by Mr. Hicks,
Leave of absence was granted Mr. Thompson.

On motion by Mr. Donnohue,
Leave of absence was granted Mr. Holladay.
Mr. Manson moved that leave of absence be granted Mr. Doughty.
Which was disagreed to.

Mr. Gunn obtained leave and made the following report:

MR. SPEAKER:

The committee on Temperance to whom was referred sundry resolutions of the House, and numerous petitions and remonstrances in relation to the subject of Temperance, would report that, they have had the same under consideration, and being instructed by a resolution of the House to report the number of names signed to said petitions, they report that having not counted every name they are unprepared to give the precise number, but having counted them nearly up to the recess, and having with considerable care examined those which have been referred since they believe the number to be from forty to fifty thousand, and having reported a bill on that subject upon which the House have acted, they would respectfully recommend that all papers in relation to the subject referred to the committee be and remain in the box prepared for that purpose, and ask to be discharged from the further consideration of the subject.

Which was concurred in

Leave was granted Mr. McDowell to withdraw from the files of the House sundry temperance memorials from the citizens of Wells county.

Leave was granted Mr. Donaldson to withdraw from the files of the House sundry temperance memorials from the citizens of Miami and Wabash counties.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representa-

tives that the Senate has appointed Messrs. Emerson and Eddy a committee of Free Conference upon the disagreement of the two Houses upon bill of the House No. 308, "an act making specific appropriations for the year 1852."

A message from the Governor, by Mr. King, Executive messenger:

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives, that he has approved and signed the following bills, to-wit:

No. 191. An act to amend the third section of an act entitled, "an act to incorporate the White River Navigation Company," approved February 13, 1851, and to extend the rights and privileges of said company.

No. 210. An act regarding estrays and articles adrift.

No. 277. An act to authorize the State Printer to print, bind, and publish one thousand copies of the laws passed by the present General Assembly in the German language.

No. 283. An act regulating the fees of officers.

Which bills originated in the House of Representatives.

A message from the Senate by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House without amendment:

No. 309. An act making general appropriations for the year 1852.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the report of the committee of Free Conference on House bill, No. 308, an act making specific appropriations for the year 1852.

A message from the Senate by Mr. Dunn their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the report of the committee of

Free Conference to whom was referred the disagreement of the two Houses upon engrossed bill of the House No. 104, "an act to regulate the mileage of sheriffs in conveying convicts to the State prison, and of county treasurers in making deposits and in their settlement with the Treasurer and Auditor of State, and the mileage of the members of the General Assembly."

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has appointed Messrs. Eddy and Knowlton a committee of Free Conference on the disagreement of the two Houses on Senate amendments to House bill No. 294, "a bill in relation to the printing and distribution of the revised statutes and the code of civil and criminal practice."

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the report of the committee of Free Conference to whom was referred bill of the House No. 298, "a bill in relation to applying certain funds therein named to the payment of the public debt."

On motion by Mr. Holman,
The House adjourned until 10 o'clock, A. M.

10 o'clock, A. M.

The House met.

Mr. Owen obtained leave and made the following report from a committee of Free Conference:

MR. SPEAKER:

The committee of Free Conference appointed to take into consideration the difference between the two Houses in regard to pending amendments to bill No. 300, entitled "an act relative to the salaries

of public officers, and providing the manner of paying the same," have agreed unanimously to the following report:

The Senate recedes from No. 2, being an addition to 13th specification.

The Senate secedes from No. 5, being an amendment to 7th specification.

The Senate recedes from No. 6, being an addition to the 11th specification.

The House recedes from its non-concurrence in No. 4, striking out \$1,000, and inserting \$1,300.

The House recedes from its non-concurrence in No. 3, being an addition to section 1.

Which was concurred in.

Ordered that the clerk inform the Senate thereof.

On motion by Mr. Davis of Sullivan,

The resolution of the House requiring the Speaker not to sign and deliver the accounts of members for settlement until Friday evening, the 18th inst., was rescinded, and the Speaker authorized to deliver the same after the adjournment this evening.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House: No. 72. "A bill for the incorporation of county libraries."

With an engrossed amendment of the Senate thereto;

In which the concurrence of the House is respectfully requested.

Mr. Buskirk moved to amend the amendment by striking out "shall" and inserting "may."

Which was agreed to.

The Senate amendment was then concurred in with the amendment.

Ordered, that the clerk inform the Senate thereof.

Mr. Laverty, from the joint committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The joint committee on Enrolled Bills have compared enrolled joint resolution of the Senate No. 189, also enrolled joint resolution of the House No. 33, with the engrossed copies thereof, and find the same correctly enrolled.

Whereupon the Speaker signed the same.

Ordered that the clerk inform the Senate thereof.

A message from the Senate, by Mr. Dunn, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bills of the House :

No. 317. A bill to appropriate unappropriated Michigan road land funds to school purposes.

No. 318. An act declaring the word "ten," in the tenth section of an act to incorporate the town of Plymouth, Marshall county, &c.

No. 319. An act to suspend certain acts therein named.

No. 35. A joint resolution asking Congress for a grant of land to aid in constructing a railroad from Anderson, via Crawfordsville, &c.

Without amendment.

A message from the Senate by Mr. Dunn, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the engrossed amendment of the House to engrossed amendment of the Senate to bill of the House No. 72, a bill for the incorporation of county libraries.

A message from the Senate, by Mr. Dunn, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the report of the committee of Free Conference on the disagreement of the two Houses upon engrossed amendments of the Senate to engrossed bill of the House No. 300, an act relative to the salaries of public officers, and providing the manner of paying the same.

Leave was granted Mr. King to make the following report :

MR. SPEAKER :

The special committee of Investigation to consider and report upon the matters alleged in the motion of Mr. Carpenter, to rectify the journal of Wednesday, 2d inst., report, that it has examined the circumstances referred to it for investigation, and concludes that Mr. Carpenter was misled by information given him by the Assistant Clerk of the House, and upon which his motion was predicated ;

that the Assistant Clerk was mistaken in the information so given, and that the whole matter originated in mistake.

Which was unanimously concurred in.

Leave was granted Mr. Holman to make the following report:

MR. SPEAKER:

The select committee to which was referred Senate bill No. 165, have had the same under consideration, and have directed me to report the same back with an amendment, and as amended, recommend its passage.

Add the following section:

SEC. 2. The provisions of this act shall not be so construed as to affect in any manner whatever the construction of any railroad by any company at any time heretofore incorporated under any act of incorporation passed by the General Assembly of the State of Indiana upon the route designated in the act of incorporation, or in any wise to impair the rights of such company, or to prevent or hinder the construction of any railroad having both of the terminations thereof within the limits of this State, and not forming a regular connection with a railroad leading directly to some city situate upon the Ohio River beyond the limits of this State.

The amendment was agreed to.

The bill was then ordered to a third reading.

Mr. Holman obtained leave and made the following report:

MR. SPEAKER:

The committee of Free Conference appointed by the two Houses on disagreement to House bill No. 294, have had the same under consideration, and recommend that the House concur in the Senate amendment with the following amendments:

Strike out from the 2d engrossed amendment of the Senate all after the numbering of said section to the words "at the Capital" and insert the following in lieu thereof: "the Governor, immediately upon the adjournment of the present General Assembly shall employ a competent person to act with the Secretary of State, and for that purpose shall remain."

And insert after the word "and" in the same line the words "in connection with him."

Strike out after the word "and" in the 3d line on the 2d page of said amended section, all to the words "arranged."

Strike out section 3d of said amendment, and insert the following in lieu thereof:

SEC. —. No clerk shall be employed in the performance of the duties specified in this act, and the person employed as aforesaid shall receive as a compensation for the services herein required a sum not exceeding three hundred dollars, to be determined, audited and allowed by the joint action of the Governor, Auditor and Treasurer of State, specifying the amount of time actually employed, and the specific compensation therefor.

The question being on concurring in the report,

On motion by Mr. Beach,

A call of the House was ordered.

The Clerk proceeded with the call when the following members answered to their names, viz:

Messrs. Beach, Beane, Behm, Brady, Bryant, Buskirk, Chowning, Crawford, Cromwell, Davis of Franklin, Dice, Dobson, Donaldson, Donham, Douthit, Eccles, Foster, Gibson, Graham, Gunn, Hart, Hay of Clark, Hays of White, Henry, Hicks, Holladay, Holman, Howell, Huey, Huffstetter, Humphreys, Hunt, King, Lavery, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Manson, Mayfield, McAllister, McDowell, Miller, Nelson, Owen, Porter, Price, Reynolds, Sale, Schoonover, Shanklin, Smith of Marion, Staton, Stover, Struble, Stuart, Suit, Sweet, Torbet, Watson, Williams, Wilson, Withers, and Mr. Speaker—64.

On motion by Mr. Withers,

The further call of the House was suspended.

Mr. Gibson moved the House adjourn;

Which was disagreed to.

On motion by Mr. Torbet,

A call of the House was ordered.

The Clerk proceeded with the call, when the following members answered to their names:

Messrs. Beach, Beane, Behm, Brady, Bryant, Buskirk, Chowning, Crawford, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Gibson, Gookins, Graham, Gunn, Hart, Hay of Clark, Hays of White, Henry, Hicks, Holladay, Holman, Howell, Huey, Huffstetter, Humphreys, Hunt, King, Lavery, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Manson, Mayfield, McAllister, McDowell, Miller, Nelson, Owen, Porter, Price, Reynolds, Sale, Schoonover, Shanklin, Smith of Marion, Staton, Stover, Struble, Stuart, Suit, Sweet, Torbet, Watson Williams, Wilson, Withers, and Mr. Speaker—67.

On motion by Mr. Holman,

The further call of the House was suspended.

The question being put on concurring in the report of the committee of Free Conference on House bill No. 294,

The yeses and noes were demanded by Messrs. Gibson and King.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Brady, Bryant, Buskirk, Chowning, Crawford, Dice, Donaldson, Foster, Hart, Hays of White, Henry, Holman, Howell, Huey, Humphreys, Hunt, Lavery, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Manson, McAllister, McConnell, McDowell, Miller, Nelson, Owen, Porter, Price, Shanklin, Smith of Marion, Stover, Struble, Stuart, Sweet, Torbet, Watson, Williams, Wilson, and Withers—44.

Those who voted in the negative were,

Messrs. Cromwell, Davis of Franklin, Davis of Sullivan, Donnohue, Doughty, Douthit, Eccles, Gookins, Gunn, Hay of Clark, Hicks, Holladay, Huffstetter, King, Reynolds, Sale, Staton, and Mr. Speaker—18.

No quorum voted.

The question being on concurring in the report of the committee, The yeses and noes were demanded by Messrs. Gibson and King.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Bryant, Chowning, Crawford, Davis of Sullivan, Donaldson, Eccles, Foster, Hays of White, Henry, Holman, Howell, Huey, Huffstetter, Humphreys, Hunt, Lavery, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Manson, McAllister, McConnell, McDowell, Miller, Nelson, Owen, Porter, Price, Shanklin, Smith of Marion, Stover, Struble, Stuart, Sweet, Torbet, Watson, Williams, Wilson, and Withers—45.

Those who voted in the negative were,

Messrs. Carpenter, Davis of Franklin, Dobson, Donham, Douthit, Gookins, Graham, Gunn, Hay of Clark, Hicks, Holladay, King, Reynolds, Sale, Staton, and Mr. Speaker—16.

Mr. Gibson refused to vote.

No quorum voted.

On motion by Mr. Hay of Clark,

A call of the House was ordered.

The Clerk proceeded with the call, when the following members answered to their names:

Messrs. Barker, Beach, Beane, Beeson, Brady, Bryant, Buskirk, Carpenter, Chowning, Crawford, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Graham, Gunn, Hart, Hay of Clark, Hays of White, Henry, Hicks, Holladay, Holman, Howell, Huey, Huffstetter, Humphreys, Hunt, King, Lavery, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Manson, Mayfield, McAllister, McConnell, McDowell, Miller, Nelson, Owen, Porter, Price, Reynolds, Sale, Schoonover, Shanklin, Smith of Marion, Staton, Stover, Struble, Stuart, Suit, Sumner, Sweet, Torbet, Watson, Williams, Wilson, Withers, and Mr. Speaker—72.

On motion,

The further call of the House was dispensed with.

The question being put on concurring in the report of the committee,

The ayes and noes were demanded by Messrs. Gibson and King.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Buskirk, Chowning, Crawford, Davis of Sullivan, Dice, Donaldson, Eccles, Foster, Hart, Hays of White, Henry, Holman, Howell, Huey, Huffstetter, Humphreys, Hunt, Lavery, Leviston, Lindsey of Fayette, Major, McAllister, McConnell, Miller, Nelson, Owen, Porter, Price, Shanklin, Smith of Marion, Stover, Struble, Stuart, Sweet, Torbet, Watson, Williams, Wilson, and Withers—44.

Those who voted in the negative were,

Messrs. Bryant, Carpenter, Davis of Franklin, Dobson, Donham, Douthit, Geddes, Gookins, Gunn, Hay of Clark, Hicks, Holladay, Lindsay of Howard, Mayfield, McDowell, Reynolds, Sale, Staton, and Mr. Speaker—19.

Messrs. Behm, Gibson and Schoonover refused to vote.

No quorum voted.

Mr. Hay of Clark moved that the House adjourn;

Which was disagreed to.

The question being put on concurring in the report of the committee,

The ayes and noes were demanded by Messrs. King and Gibson.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Brady, Buskirk, Chowning,

Crawford, Dice, Donaldson, Eccles, Foster, Hart, Hays of White, Henry, Holman, Howell, Huey, Huffstetter, Humphreys, Hunt, Laverty, Leviston, Lindsey of Fayette, Major, Manson, McAllister, McConnell, McDowell, Miller, Nelson, Owen, Porter, Price, Shanklin, Smith of Marion, Stover, Struble, Stuart, Sweet, Torbet, Watson, Williams, Wilson, and Withers—45.

Those who voted in the negative were,

Messrs. Bryant, Carpenter, Davis of Franklin, Davis of Sullivan, Dobson, Donham, Douthit, Geddes, Gookins, Goudy, Graham, Hay of Clark, Hicks, Holladay, King, Linsday of Howard, Mayfield, Reynolds, Sale, Schoonover, Staton, Sumner, and Mr. Speaker—23.

Messrs. Behm and Gibson refused to vote.

So the report was concurred in.

Ordered, that the Clerk inform the Senate thereof.

On motion by Mr. Davis of Franklin,
The House adjourned.

2 o'clock, P. M.

The House met.

Mr. Bryant obtained leave and made the following report:

MR. SPEAKER:

The committee of Free Conference to whom was committed bill of the Senate No. 105, entitled "an act to regulate the vending of spirituous liquors," beg leave to report that having conferred with the committee on the part of the Senate, they find the difference between the two houses, so radical as to admit of no arrangement. They therefore recommend that the present statute upon that subject be excepted from the repealing statute and ask to be discharged.

Which was concurred in.

Ordered, that the clerk inform the Senate thereof.

Mr. Smith of Marion obtained leave and made the following report:

MR. SPEAKER.

The select committee to whom was referred the petitions for the repeal of the city charter of Indianapolis, and the remonstrance against such repeal, have had that subject under consideration. The House having indefinitely postponed a bill on that subject, our rules and the parliamentary law which has long governed legislative bodies preclude any action thereon during the present session. Consequently your committee do not deem it necessary to enter into a minute investigation of the matters relating to the same. Therefore your committee return said petitions and remonstrance to the files of the House.

The committee was discharged.

By unanimous consent of the House,
Mr. Suit obtained leave and offered the following resolution:

Resolved, The Senate concurring, that in addition to the persons entitled to copies of the Revised Statutes, code of civil and criminal practice, and journals of the House of Representatives and Senate; that the assistant clerks of the House and Senate and assistant door-keepers of each House and the reporters be each entitled to one copy thereof;

Which was agreed to.

Mr. Hay of Clark obtained leave and made the following report:

MR. SPEAKER:

The committee on Benevolent and Scientific Institutions, to whom was referred sundry resolutions upon various subjects, would report that legislative action has been had upon most of the subjects contained in said resolutions, and they recommend that they be laid on the table, and that the committee be discharged from their further consideration.

Which was concurred in.

By unanimous consent of the House,
Mr. Gookins obtained leave and introduced

No. 320. A bill to continue in force all laws concerning the vending of spirituous and intoxicating liquors and the keeping of tippling houses;

Which was read a first time.

Mr. Gookins moved to suspend the rule and read the bill a second time.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Buskirk, Carpenter, Chowning, Crawford, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donham, Donnohue, Doughty, Eccles, Foster, Gibson, Gookins, Goudy, Hart, Hay of Clark, Holman, Howell, Huey, Huffstetter, Humphreys, Hunt, King, Laverty, Leviston, Lindsey of Fayette, Linsday of Howard, Major, Manson, Mayfield, McConnell, Miller, Nelson, Owen, Porter, Price, Reynolds, Sale, Schoonover, Shanklin, Stover, Struble, Stuart, Suit, Sumner, Torbet, and Watson—57.

Those who voted in the negative were,

Messrs. Douthit, Graham, Hanna, Henry, Hicks, McAllister, McDowell, Smith of Marion, Staton, and Sweet—10.

So the rule was suspended, and the bill read a second time and ordered to be engrossed.

Mr. Gookins moved to suspend the rule and read the bill a third time now.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Buskirk, Chowning, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Donnohue, Doughty, Eccles, Foster, Geddes, Gibson, Gookins, Goudy, Hay of Clark, Holman, Howell, Huey, Huffstetter, Humphreys, Hunt, King, Laverty, Leviston, Lindsey of Fayette, Linsday of Howard, Major, Manson, Mayfield, McConnell, Nelson, Owen, Porter, Price, Reynolds, Sale, Schoonover, Shanklin, Stover, Struble, Stuart, Suit, Sumner, Sweet, and Watson—54.

Those who voted in the negative were,

Messrs. Douthit, Graham, Hanna, Henry, Hicks, Holladay, Smith of Marion, and Staton—8.

No quorum voted.

A message from the Senate, by Mr. Dunn, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House

No. 306. "An act to empower the circuit judges to fix the times of holding circuit courts in their respective circuits."

With sundry engrossed amendments of the Senate thereto;
In which the concurrence of the House is respectfully requested.

The question being on concurring in the Senate's amendment,
Mr. Hicks moved to amend the Senate's amendment as follows:
The courts in Jennings may sit two weeks at the fall or second term.

Which was agreed to.

Mr. Stuart moved to amend the Senate amendment as follows:

Amend so that the courts in the county of Wabash shall be held at the same time as the courts in the county of Laporte.

Which was agreed to.

Mr. Bryant moved to amend the Senate amendment as follows:

Strike out after the words "county of Warren," the words "one week," and insert "two weeks."

Which was agreed to.

On motion by Mr. Suit,

The bill and amendments were laid on the table.

Mr. Owen obtained leave and offered the following resolution:

Resolved, That the Auditor of State be directed to ascertain the amount of scrip issued on account of the New Albany and Vincennes Road, and filed in his office to be cancelled, and to cause the same to be so punched or marked as cancelled, as to prevent the same from being again put into circulation.

Which was agreed to.

Mr. Buskirk obtained leave and made the following report:

MR. SPEAKER:

The committee of Ways and Means have instructed me to report back to the House, that they may be placed upon the appropriate files, certain papers which have been referred to them in connection with matters heretofore acted upon by the committee.

Which was concurred in.

Mr. Buskirk obtained leave and made the following report:

MR. SPEAKER:

The committee of Ways and Means have directed me to report back claims constituting the specific appropriation bill, and recommend that the same be laid upon the table.

Which was concurred in.

On motion by Mr. Torbet,

Senate bill No. 165, a bill supplementary to an act to provide for the incorporation of railroad companies, was taken up.

Mr. Torbet moved to suspend the rule and read the bill a third time now.

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beeson, Brady, Bryant, Buskirk, Carpenter, Chowning, Crawford, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Donnohue, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Graham, Hay of Clark, Hays of White, Hicks, Holman, Howell, Huey, Huffstetter, Hunt, King, Laverty, Lawrence, Leviston, Lindsay of Howard, Major, Manson, Mayfield, McAllister, McDowell, Miller, Nelson, Porter, Price, Sale, Schoonover, Scudder, Smith of Marion, Staton, Stover, Struble, Stuart, Torbet, Watson, Williams, Wilson, Withers, and Mr. Speaker—59.

Those who voted in the negative were,

Messrs. Gunn, Hanna, Henry, Holladay, Reynolds, Shanklin, Sumner, Sweet, and Walker—9.

So the rule was suspended and the bill read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beach, Beeson, Brady, Bryant, Buskirk, Carpenter, Chowning, Crawford, Davis of Sullivan, Dobson, Donaldson, Donham, Donnohue, Douthit, Eccles, Foster, Gookins, Graham, Hart, Hays of White, Henry, Hicks, Holladay, Holman, Howell, Huey, Huffstetter, Humphreys, Laverty, Leviston, Lindsey of Fayette, Major, Manson, Mayfield, McAllister, McConnell, McDowell, Miller, Nelson, Porter, Price, Sale, Smith of Marion, Stover, Struble, Stuart, Torbet, Williams, Wilson, and Mr. Speaker—51.

Those who voted in the negative were,

Messrs. Behm, Dice, Doughty, Gunn, Hanna, Helmer, Hunt, King, Lawrence, Lindsay of Howard, Reynolds, Shanklin, Suit, Sweet, Walker, Watson, and Wilson—17.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

A message from the Senate by Mr. Dunn, their Secretary:

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the following resolution of the House:

Resolved, That, the Senate concurring, that in addition to the persons entitled to copies of the Revised Statutes, Code of Civil and Criminal Practice and Journal of the House of Representatives and Senate, that the Assistant Clerks of the House and Senate, and Assistant Door-keepers of each House, and the Reporters be each entitled to one copy thereof.

With an amendment of the Senate thereto.

In which the concurrence of the House is respectfully requested.

Amendment of the Senate to House resolution—

Insert after the word "Senate" in the 8th line of said resolution the words "and clerks of the committees."

The amendment of the Senate was concurred in.

Ordered that the Clerk inform the Senate thereof.

A message from the Senate by Mr. Dunn, their secretary:

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House:

No. 234. An act repealing all former acts of the legislature except those therein named ;

With sundry engrossed amendments of the Senate thereto.

In which the concurrence of the House is respectfully requested.

The amendments of the Senate were concurred in.

Ordered that the Clerk inform the Senate thereof.

Mr. Reynolds obtained leave and offered the following resolution

Resolved, That the thanks of this House be tendered to Hons Walter March, Geo. W. Carr and Lucian Barbour, for their able laborious, and efficient services rendered as Law Commissioners, and that the Senate be respectfully requested to reciprocate this resolution.

Which was agreed to

Mr. Huffstetter moved that leave of absence be granted Mr. Howell.

Which was disagreed to.

Mr. Stuart asked and obtained leave of absence from and after to-morrow morning.

On motion by Mr. Humphreys,

Leave of absence was granted to Mr. Howell after to-morrow morning.

Mr. Barker moved that leave of absence be granted Mr. Beach.

Which was disagreed to.

Mr. Behm moved that Mr. Beeson have leave of absence after to-morrow morning.

Which was disagreed to.

On motion by Mr. Graham,

Leave of absence was granted Mr. Henry.

On motion by Mr. Holman,

House bill No. 306, a bill to empower the circuit judges to fix the times of holding circuit courts in their respective circuits.

Was taken from the table.

Mr. Suit moved to amend the Senate amendment as follows:

The courts in Marion county may at each term sit as long as the business requires.

Which was agreed to.

Mr. Suit moved the following amendment to the amendment of the Senate:

Amend section — as follows:

The courts in the county of Clinton shall be held on the first Monday in February and August; in the county of Tippecanoe on the Monday succeeding the courts in the county of Clinton; in the county of Boone on the Monday succeeding the courts in the county of Tippecanoe; in the county of Montgomery on the Monday succeeding the courts in the county of Boone; in the county of Warren on the Monday succeeding the courts in the county of Montgomery; in the county of Fountain on the Monday succeeding the courts in the county of Warren; in the county of Parke on the Monday succeeding the courts in the county of Fountain; in the county of Vermillion on the Monday succeeding the courts of the county of Parke; in the county of Benton on the Monday succeeding the courts in the county of Vermillion; and in the county of Jasper on the Monday succeeding the courts in the county of Benton.

And the question being put on its adoption,

The ayes and noes were demanded by Messrs. Suit and Stover.

Those who voted in the affirmative were,

Messrs. Beach, Beane, Beeson, Behm, Brady, Bryant, Carpenter,

Cromwell, Donnohue, Doughty, Douthit, Eccles, Geddes, Gibson, Gookins, Goudy, Graham, Gunn, Hart, Hay of Clark, Hays of White, Hicks, Holladay, Hunt, King, Lavery, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Mayfield, McAllister, McConnell, McDowell, Price, Reynolds, Shanklin, Smith of Marion, Struble, Suit, Torbet, Walker, Watson, and Williams—44.

Those who voted in the negative were,

Messrs. Barker, Crawford, Davis of Franklin, Dice, Dobson, Donaldson, Foster, Holman, Howell, Huffstetter, Manson, Nelson, Porter, Sale, Staton, Stover, Stuart, Sweet, Withers, and Mr. Speaker—20.

No quorum voted.

Mr. Gibson moved a call of the House;

Which was disagreed to.

The question being put on Mr. Suit's amendment,

The ayes and noes were demanded by Messrs. Stover and Manson.

Those who voted in the affirmative were,

Messrs. Beane, Beeson, Behm, Brady, Bryant, Carpenter, Davis of Franklin, Donnohue, Doughty, Douthit, Eccles, Geddes, Gibson, Gookins, Goudy, Graham, Gunn, Hart, Hicks, Holladay, Huey, Hunt, King, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Mayfield, McAllister, McConnell, McDowell, Price, Ray, Reynolds, Sale, Shanklin, Smith of Marion, Struble, Suit, Torbet, Walker, and Watson—42.

Those who voted in the negative were,

Messrs. Barker, Crawford, Dice, Dobson, Donaldson, Foster, Hay of Clark, Hays of White, Henry, Holman, Howell, Huffstetter, Humphreys, Lavery, Manson, Nelson, Porter, Schoonover, Staton, Stover, Stuart, Sumner, Sweet, Williams, Wilson, Withers, and Mr. Speaker—27.

So the amendment was agreed to.

Mr. Hays of White moved to amend the Senate amendment as follows:

Amend by allowing White county two weeks.

Which was agreed to.

Mr. Stuart moved to amend the Senate amendment as follows:

Amend the 10th circuit so that the courts in the counties of the 10th, to-wit:

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In Allen county on the first Mondays in February and August.

In Adams county on the Mondays succeeding the courts in the county of Allen.

In Wells county on the Mondays succeeding the courts in the county of Adams.

In the county of Huntington on the Mondays succeeding the terms in the county of Wells.

In the county of Whitley on the Mondays succeeding the courts in the county of Huntington.

In the county of Noble on the Mondays succeeding the courts in the county of Whitley.

In the county of Lagrange on the Mondays succeeding the courts in the county of Noble.

In the county of Elkhart on the Mondays succeeding the courts in the county of Lagrange.

In the county of Kosciusko on the Mondays succeeding the courts in the county of Elkhart.

In the county of Wabash on the Mondays succeeding the courts in the county of Kosciusko.

In the county of De Kalb on the Mondays succeeding the courts in the county of Wabash.

In the county of Steuben on the Mondays succeeding the courts in the county of De Kalb.

Which was agreed to.

Mr. Reynolds moved to amend the Senate amendment as follows:

Amend as follows—

The courts shall commence in the county of Grant, on the Mondays succeeding the courts in the county of Delaware; in the county of Randolph, on the Mondays succeeding the courts in the county of Grant; in the county of Jay, on the Mondays succeeding the courts in the county of Randolph; in the county of Blackford, on the Mondays succeeding the courts in the county of Jay.

Which was disagreed to.

The amendments of the Senate were concurred in with the amendments.

Ordered, that the Clerk inform the Senate thereof.

The Speaker laid before the House the following communication from the Secretary of State:

SECRETARY OF STATE'S OFFICE, }
 INDIANAPOLIS, June 17, 1852. }

HON. WM. H. ENGLISH,
Speaker of House of Representatives:

SIR:—Please to lay the enclosed communication before the House over which you preside.

Respectfully,
 CHARLES H. TEST.

SECRETARY OF STATE'S OFFICE, }
 INDIANAPOLIS, June 17, 1852. }

To the Honorable House of Representatives:

An act relative to the printing and distribution of the Revised Laws, has just been placed in the hands of the undersigned to be enrolled, in which it is provided, amongst other things, that the Secretary of State, in conjunction with some one to be appointed by the Governor, shall superintend the publication of the present revision, and allowing each of them a sum not exceeding three hundred dollars, &c.

The undersigned takes this early opportunity respectfully to say to your Honorable body, that he declines serving in conjunction with another in discharge of the duties indicated by said act, and hopes, therefore, that some other disposition of the matter, consistent with the public interest, may be made before your final adjournment.

Respectfully, &c.,
 CHARLES H. TEST.

Mr. Manson moved that the communication be returned to the Secretary by the Door-keeper.

On motion by Mr. Stuart,
 The communication was laid on the table.

On motion by Mr. Gibson,
 The House took a recess of 15 minutes.

A message from the Senate by Mr. Dunn, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate has concurred in the engrossed amendments of the House to engrossed bill of the Senate No. 105, entitled an act regulating the vending of spirituous liquors with engrossed amendments of the Senate thereto.

In which the concurrence of the House is respectfully requested.

The House refused to concur in the engrossed amendments of the Senate to the engrossed amendments of the House.

Ordered that the clerk inform the Senate thereof.

Leave was granted Mr. Behm to withdraw from the files of the House sundry temperance memorials from the citizens of Tippecanoe county.

Mr. Laverty from the joint committee on Enrolled Bills made the following report :

MR. SPEAKER :

The joint committee on Enrolled Bills have this day presented to the Governor for his approval enrolled bills of the House numbered 223 and 247 ; also enrolled joint resolution of the House numbered 33.

Mr. Smith of Marion, chairman of the committee on Enrolled Bills, made the following report :

MR. SPEAKER :

The committee on Enrolled Bills have compared the following enrolled with the engrossed bills of the House of the corresponding numbers, and report them to the House correctly enrolled :

No. 247. An act respecting foreign corporations and their agents in this State :

No. 176. An act to provide for the organization of Canal and Water Works Companies, and for the completion of the unfinished canals in the State of Indiana ;

No. 267. An act to provide for the opening, vacating and change of highways ;

No. 273. An act to authorize Railroad Companies to increase the amount of their capital stock, and to increase the number of their directors, and to take stock in branch roads ;

No. 316. An act amendatory of the charter of the town of Clarksville in Clark and Floyd counties ;

No. 104. An act to regulate the mileage of sheriffs in conveying convicts to the State Prison, and county treasurers in making deposits and in their settlements with the Treasurer and Auditor of State, and the mileage of members of the General Assembly;

No. 285. An act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto.

Whereupon the Speaker signed the same.

Ordered, that the clerk inform the Senate thereof.

A message from the Senate by Mr. Dunn their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has reciprocated the resolution of the House returning thanks to the Hons. Walter March, George W. Carr, and Lucian Barbour, for their able, laborious and efficient services rendered as law commissioners.

Mr. Lavery from the joint committee on Enrolled bills, made the following report:

MR. SPEAKER:

The joint committee on Enrolled Bills have compared enrolled joint resolution of the House No. 35, with the engrossed copy thereof and find the same correctly enrolled.

Whereupon the Speaker signed the same.

Ordered, that the Clerk inform the Senate thereof.

Mr. Smith of Marion, chairman of the committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The committee on Enrolled Bills have compared the following enrolled with the engrossed bill of the House of the corresponding number, and report the same to the House correctly enrolled.

No. 173. An act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors and prescribing the duties of assessors, appraisers of such real property, county assessors, and auditors, and of the Treasurer and Auditor of State.

Whereupon the Speaker signed the same.

Ordered that the clerk inform the Senate thereof.

A message from the Governor by Mr. King executive messenger:

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives that he has approved and signed the following bills, to-wit:

No. 33. A joint resolution on the subject of bridges over navigable rivers.

No. 223. An act concerning trusts and powers.

No. 247. An act respecting foreign corporations and their agents in this State.

Which bills originated in the House of Representatives.

Mr. Lavery from the joint committee on Enrolled Bills made the following report:

MR. SPEAKER:

The joint committee on Enrolled bills have this day presented to the Governor for his approval, enrolled bills of the House numbered 104, 176, 267, 273, and 316.

A message from the Senate by Mr. Dunn their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the engrossed amendment of the House to engrossed bill of the Senate No. 165, "an act supplemental to an act entitled an act to provide for the incorporation of Railroad companies."

A message from the Senate by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the report of the committee of Free Conference in relation to bill of the House No. 294, "an act in relation to the printing and distribution of the Revised Statutes and the Code of Civil and Criminal Practice."

On motion by Mr. Beeson,

The House adjourned to meet to-morrow morning, 9 o'clock.

FRIDAY MORNING, 9 o'clock, }
June 18, 1852. }

The House met.

On motion by Mr. Douthit,

The reading of the Journal was dispensed with.

On motion by Mr. Graham,

A call of the House was ordered.

The clerk proceeded with the call when the following members answered to their names:

Messrs. Barker, Beach, Beane, Behm, Brady, Carpenter, Crawford, Cromwell, Davis of Franklin, Davis of Sullivan, Dice, Dobson, Donaldson, Donham, Donnohue, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Goudy, Graham, Gunn, Hart, Hay of Clark, Henry, Hicks, Holman, Huey, Laverty, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Mayfield, McConnell, McDowell, Nelson, Owen, Porter, Price, Reynolds, Sale, Scudder, Shanklin, Smith of Marion, Staton, Stover, Struble, Sweet, Walker, Wilson, Williams, Withers, and Mr. Speaker—58.

On motion by Mr. Doughty,

The further call of the House was suspended.

On motion by Mr. Gookins,

Leave of absence was granted Mr. Beach.

On motion by Mr. Gookins,

Leave of absence was granted Mr. Sale.

On motion by Mr. Gibson,

Leave of absence was granted Mr. Stover from and after two o'clock, P. M.

On motion by Mr. McConnell,

Leave of absence was granted Mr. Sweet from and after to-morrow morning.

On motion by Mr. Doughty,

Leave of absence was granted Mr. Lindsay of Howard.

On motion by Mr. Donaldson,

Leave of absence was granted Mr. Price.

On motion by Mr. Owen,

Leave of absence was granted Mr. Walker.

On motion by Mr. Gunn,

Leave of absence was granted Mr. Hicks.

On motion by Mr. McConnell,

Leave of absence was granted Mr. Struble.

On motion by Mr. Barker,

Leave of absence was granted Messrs. Donham and Cromwell.

On motion by Mr. McDowell,

Leave of absence was granted Messrs. Reynolds and Wilson.

On motion by Mr. Davis of Sullivan,

Leave of absence was granted Messrs. Chowning and Davis of Sullivan.

Messrs. Davis of Franklin and Goudy being present, their names were ordered to be placed on the roll as present at the call this morning.

On motion by Mr. Doughty,

Leave of absence was granted Mr. Carpenter.

Messrs. Williams and Lavery being present, their names were ordered to be placed on the roll as present at the call this morning.

On motion by Mr. Donaldson,

The House adjourned to meet at 3 o'clock, P. M.

3 o'clock, P. M.

The House met.

By unanimous consent of the House,

Mr. Gibson obtained leave and offered the following resolution:

Resolved, That the Clerk of the House cause to be printed six hundred copies of a list of all the acts passed at the present session, provided it can be done by Monday morning, and cause the appropriate number to be mailed to each Senator and Representative absent, and prepay the postage, to be refunded by the Treasurer of State.

Which was agreed to.

Mr. Hunt asked and obtained leave of absence.

Leave was granted Mr. English to withdraw from the files of the House sundry remonstrances on the subject of temperance from the citizens of Scott county.

Mr. Brady asked and obtained leave to withdraw from the files of the House a remonstrance against the repeal of the charter of the city of Indianapolis.

On motion by Mr. Brady,

Leave of absence was granted Mr. Foster.

A message from the Senate by Mr. Dunn their Secretary:

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the engrossed amendment of the House to engrossed amendments of the Senate to engrossed bill of the House No. 306, "an act to empower the circuit judges to fix the times of holding circuit courts in their respective circuits."

Mr. Smith of Marion, chairman of the committee on Enrolled Bills, made the following report :

MR. SPEAKER :

The committee on Enrolled Bills have compared the following enrolled with the engrossed bill of the House of the corresponding number, and report the same to the House correctly enrolled.

No. 306. An act fixing the time of holding circuit courts in the several counties of this State.

Whereupon the Speaker signed the same.

Ordered, that the Clerk inform the Senate thereof.

Mr. Price, from the committee on Enrolled Bills, made the following report :

MR. SPEAKER :

The committee on Enrolled Bills have compared the following enrolled with the engrossed bills of the House of the corresponding numbers, and report them to the House correctly enrolled :

No. 298. A bill in relation to applying certain funds therein named, to the payment of the public debt.

No. 300. An act relative to the salaries of public officers, and providing the manner of paying the same.

Whereupon the Speaker signed the same.

Ordered that the Clerk inform the Senate thereof.

Mr. Smith of Marion, chairman of the committee on Enrolled bills made the following report :

MR. SPEAKER :

The committee on Enrolled Bills have compared the following enrolled with the engrossed bills of the House of the corresponding numbers, and report them to the House correctly enrolled :

No. 308. An act making specific appropriations for the year 1852.

No. 234. An act repealing all former acts of the Legislature except those therein named.

No. 59. An act making general appropriations for the year 1852.

No. 294. An act relative to the printing and distribution of the revised statutes and the code of civil and criminal practice.

No. 72. An act for the incorporation of county libraries.

No. 248. An act in relation to the construction of statutes, and definition of terms.

No. 45. An act to enforce the 13th article of the constitution.

No. 314. An act in relation to the taxation of lands in towns and cities.

No. 317. An act to appropriate unappropriated Michigan Road land funds to school purposes.

No. 318. An act declaring the word "ten" in the tenth section of an act to incorporate the town of Plymouth, Marshall county, approved Feb. 11, 1851.

No. 319. An act to suspend certain acts therein named.

Whereupon the Speaker signed the same.

Ordered that the clerk inform the Senate thereof.

Mr. Lavery, from the joint committee on Enrolled bills, made the following report:

MR. SPEAKER:

The joint committee on Enrolled Bills have this day presented to the Governor for his approval, enrolled bills of the House numbered 173, 309, 234, 285, 305, 72, 298, 300, 248, 294, 317, 318, 319, 314, 45 and 306.

The following message was received from His Excellency, the Governor, by Mr. King, his private secretary:

MR. SPEAKER:

I am directed by the Governor, to inform the Senate that he has approved and signed the following bills, viz:

No. 104. An act to regulate the mileage of sheriffs in conveying convicts to the State Prison, and of county treasurers in making deposits, and in their settlements with the Treasurer and Auditor of State, and the mileage of members of the General Assembly.

No. 176. An act to provide for the organization of canal and water works companies, and for the completion of the unfinished canals in the State of Indiana.

No. 273. An act to authorize railroad companies to increase the amount of their capital stock and to increase the number of their directors.

No. 316. An act amendatory of the charter of the town of Clarksville, in Clark and Floyd counties.

No. 267. An act to provide for the opening, vacating and change of highways.

No. 35. A joint resolution asking Congress for a grant of land to aid in constructing a railroad from Anderson, Indiana, via Crawfordsville, along the dividing ridge of Big and Little Vermillion Rivers, through Springfield, Illinois, and Hannibal, Missouri, to Fort Leavenworth.

No. 234. An act repealing all former acts of the Legislature except those therein named.

No. 285. An act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto.

No. 309. An act making general appropriations for the year 1852.

No. 308. An act making specific appropriations for the year 1852.

No. 72. An act for the incorporation of county libraries.

No. 248. An act in relation to the construction of statutes, and the definition of terms.

No. 294. An act in relation to the printing and the distribution of the Revised Statutes, and the Code of Civil and Criminal Practice.

No. 298. An act in relation to applying certain funds therein named to the payment of the public debt.

No. 300. An act relative to the salaries of public officers and providing the manner of paying the same.

Which bills originated in the House of Representatives.

A Statement of miles paid, amount paid to, and miles traveled by the members of the House of Representatives at the session of 1851-52.

<i>Counties.</i>	<i>Names of Members.</i>	<i>Distance to county seat, or place of residence.</i>	<i>Miles paid for.</i>	<i>Amount paid.</i>	<i>Miles traveled.</i>
Adams	John Crawford	156	600	\$72 00	600
Allen	Isaac D. G. Nelson	156	600	72 00	600
Bartholomew	Joseph Struble	42	168	20 16	168
Blackford	{ Jos. W. Holliday*				
	{ G. S. Howell	100	200	24 00	200
Boone	{ Wm. B. Beach	27	108	12 96	108
	{ Wm. Staton	25	100	12 00	100
Brown	Wm. Taggart	50	200	24 00	200
Carroll	Albert G. Hanna	80	320	38 40	320
Cass	Wm. Z. Stuart	70	280	32 80	280
Clark	{ Thos. W. Gibson	150	300	36 00	300
	{ Andrew J. Hay	150	600	72 00	600
Clay	{ Oliver Cromwell	71	284	34 08	284
	{ George Donham	73	292	35 04	292
Clinton	Jas. F. Suit	42	168	20 16	168
Crawford	Joel Ray	140	560	67 20	560
Daviess	John Scudder	153	612	73 44	612
Dearborn	{ O. B. Torbet	110	440	52 80	440
	{ Wm. S. Holman	110	440	52 80	440
Decatur	John F. Stevens	50	200	24 00	200
Delaware	Michael Thompson	65	260	31 20	260
Dubois	Henry W. Barker	166	664	79 68	664
Elkhart	Joseph Beane	150	600	72 00	600
Fayette	John V. Lindsey	61	256	30 72	256
Floyd	Phineas M. Kent	130	520	62 40	520
Fountain	Jacob Dice	75	300	36 00	300
Franklin	{ Samuel Davis	87	348	41 76	348
	{ Emanuel Withers	88	332	39 36	332
Fulton	Hugh Miller	93	372	44 69	372
Gibson	Jas. W. Cockrum	175	700	84 00	700
Grant	Zimri Reynolds	75	300	36 00	300
Greene	And'w. Humphreys	100	400	48 00	400
Hamilton	James H. Douhit	18	72	8 64	72
Hancock	John Foster	22	88	10 56	88
Harrison	Thomas S. Gunn	140	560	67 20	560
Hendricks	Eb. S. Watson	21	84	8 16	84

* Deceased.

STATEMENT OF DISTANCES, &c.—CONTINUED.

<i>Counties.</i>	<i>Names of Members.</i>	<i>Distance to county seat, or place of residence.</i>	<i>Miles paid for.</i>	<i>Amount paid.</i>	<i>Miles traveled.</i>
Henry	Isaac H. Morris *	.....	.....	\$.....	.....
Howard & Tipton ..	Nathaniel R. Lindsay.	55	220	26 40	220
Huntington & Wells.	George McDowell ..	150	600	72 00	600
Jackson	Samuel T. Wells.....	80	320	38 40	320
Jay	Robert Huey	112	448	54 00	448
Jefferson	{ John L. King.....	86	344	41 28	344
	{ F. F. Mayfield	86	344	41 28	344
Jennings	Ed. P. Hicks.....	65	260	31 20	260
Johnson	Samuel Eccles.....	20	80	9 60	80
Knox	James D. Williams..	140	560	67 20	560
Kosciusko	Robert Geddes.....	132	528	63 36	528
Lagrange.....	Francis Henry.....	200	800	96 00	800
Lake	Alexander McDonald.	200	800	96 00	800
Laporte	Franklin W. Hunt...	144	576	69 12	576
Lawrence	Melchert Helmer.....	75	300	36 00	300
Madison	{ Thomas McAllister.	32	128	15 36	128
	{ Andrew Shanklin..	28	112	13 34	112
Marion	{ Isaac Smith.....	.....	.....	.....	.....
	{ Henry Brady.....	.....	.....	.....	.....
Marshall & Starke..	Thomas Sumner.....	118	472	56 64	472
Martin	Martin D. Crim.....	115	460	55 20	460
Miami	R. F. Donaldson.....	94	376	45 12	376
Monroe	Samuel H. Buskirk..	104	208	25 00	416
Montgomery	{ Mahlon D. Manson.	50	200	24 00	200
	{ Daniel C. Stover..	45	90	10 80	180
Morgan	John Laverty.....	60	120	14 40	240
Noble	Jerome Sweet.....	180	720	86 40	720
Orange	David S. Huffstetter.	90	360	43 20	360
Owen	James W. Dobson....	53	212	25 44	212
Parke	Elias J. Holladay ...	85	340	40 80	340
Perry	Milton Walker	150	600	72 00	600
Pike	James C. Graham....	150	600	72 00	600
Porter	{ M. M. Harrison †.	.....	.....	.....	.....
	{ A. B. Price	195	390	45 87	390
Posey	{ Robert Dale Owen .	....	400	48 00	800
	{ Urbin Marrs.....	200	800	96 00	800
Pulaski & Jasper...	A. M. C. Goudy.....	126	504	60 48	504

* Resigned.

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STATEMENT OF DISTANCES, &c.—CONTINUED.

<i>Counties.</i>	<i>Name of Members.</i>	<i>Distance to county seat, or place of residence.</i>	<i>Miles paid for.</i>	<i>Amount paid.</i>	<i>Miles traveled.</i>
Putnam	{ B Glazebrook *	40	80	\$9 60	80
	{ D. C. Donnohue	40	80	9 00	80
Randolph	John Wilson	100	400	48 00	400
Ripley	Hiram Hart	95	380	45 60	380
Rush	Junius Bee-on	58	232	27 84	232
St. Joseph	Thomas S. Stanfield ..	140	560	67 20	560
Scott	Wm. H. English	101	202	24 24	404
Shelby	William Major	37½	150	18 00	150
Spencer	Thomas M. Smith	220	880	105 00	880
Steuben & De Kalb ..	{ Gilman C. Mudget ..	291	764	91 68	764
	{ Geo. W. McConnell ..	210	880	100 80	880
Sullivan	{ John W. Davis	120	480	57 60	480
	{ Theoph. Chowning ..	122	488	58 56	488
Switzerland & Ohio ..	{ Samuel Porter	110	440	52 80	440
	{ John W. Spencer ..	100	400	48 00	400
Tippecanoe	Godlove O. Behm	72	288	34 26	288
Union	James Leviston	75	300	36 00	300
Vanderburgh	Willard Carpenter ..	190	760	91 20	760
Vermillion	{ Henry Hostetter * ..	.....	.....	.....	.....
	{ T. C. W. Sale	52	208	24 96	208
Vigo	{ Samuel B. Gookins ..	73	292	35 04	292
	{ Robert M. Hudson ..	72	288	34 54	288
Wabash	Calvin Cowgill	100	400	48 00	400
Warren	James R. M. Bryant ..	75	300	36 00	300
Warrick	Eli Lewis	200	800	96 00	800
Washington	Rodolphus Schoonover	115	460	55 20	460
	{ John P. Doughty ..	63	252	30 24	252
Wayne	{ Edmund Lawrence ..	53	212	25 48	212
	{ Joseph Bulla	75	300	36 00	300
White & Benton	Solomon Hays	86	344	41 28	344
Whitley	D. B. Litchfield	134	536	64 32	536

* Deceased.

On motion by Mr. Nelson,

The House adjourned, to meet on Monday morning next at 7½ o'clock.

MONDAY MORNING, 7½ o'clock, }
June 21st, 1852. }

The House met.

On motion by Mr. Hanna,
The reading of the journal was dispensed with.

On motion by Mr. Gibson,
The resolution introduced on Friday, directing the printing of the list of acts passed by the present General Assembly, was so modified as to allow the printing of the valedictory address of the Speaker in connection therewith.

A message from the Governor, by Mr. King, Executive messenger:

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives that he has approved and signed the following bills, to-wit:

No. 45. An act to enforce the 13th article of the Constitution.

No. 314. An act in relation to the taxation of lands in towns and cities.

No. 317. An act to appropriate unappropriated Michigan road land funds to school purposes.

No. 318. An act declaring the word "ten" in the tenth section of an act to incorporate the town of Plymouth, Marshall county, approved February 11th, 1851, a misprint.

No. 319. An act to suspend certain acts therein named.

No. 306. An act fixing the time of holding circuit courts in the several counties of this State.

No. 173. An act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State.

Which bills originated in the House of Representatives.

Mr. Brady submitted the following resolution:

Resolved, That a committee of three be appointed on the part of the House to act with a similar committee to be appointed on the part of the Senate, to wait upon his Excellency, the Governor, and inform him that the two Houses of the General Assembly have gone

through with the business of the session, and are ready to adjourn *sine die* unless he has some further communication to make.

Which was unanimously adopted.

Messrs. Brady, Owen, and Hay of Clark were appointed said committee.

A message from the Senate by Mr. Dunn their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate reciprocates the resolution of the House, appointing a committee of three on the part of the Senate, to wait on his Excellency, the Governor, consisting of Messrs. Niblack, Hester, and Witherow to act with similar committee on the part of the House.

On motion,

Mr. Smith of Marion have to withdraw from the files House bill No. 297.

Mr. Owen, from a select committee, made the following report.

MR. SPEAKER:

The committee appointed to wait on the Governor, and ascertain whether he has any further communication to make to the General Assembly, have discharged that duty, and report—

That the Executive has no further communication to make to either branch.

That he congratulates the Representatives of the People upon thus bringing to a close their arduous and responsible duties in framing a Revised Code of general statutes for a people who, for more than a third of a century, have been governed by special and local laws.

That he further congratulates the members of this General Assembly upon having completed their task—the first revision under the new constitution—in a shorter time than the same has been effected in any State having as large a population; and in a manner which, as he confidently believes, will not only meet with the cordial approval of their constituents throughout the length and breadth of the State, but establish for Indiana throughout the Union, the reputation of having led the way in various essential practical reforms, eminently in accordance with the advancing spirit of the age.

The Governor is of opinion that in the five months session which is now about to close, there has been consummated more legislation than will be necessary in as many years to come; the great labor of

the present having anticipated, and rendered unnecessary, much labor in the future.

And, finally, the Governor begged the committee to say, for him, to the respective Houses, that, in taking leave of their members and officers, he wishes each and all of them health and happiness, a pleasant journey and safe return to their families and constituency.

Mr. Smith of Marion submitted the following resolution:

Resolved, That the Clerk inform the Senate that the House have gone through with the Legislative business of the present session, and are now ready to adjourn *sine die*.

Which was agreed to.

On motion by Mr. Doughty,
A call of the House was ordered.

The Clerk proceeded with the call, when the following members answered to their names:

Messrs. Brady, Bryant, Dobson, Doughty, Gibson, Hanna, Hay of Clark, Hays of White, Nelson, Owen, Price, Smith of Marion, and Mr. Speaker—13.

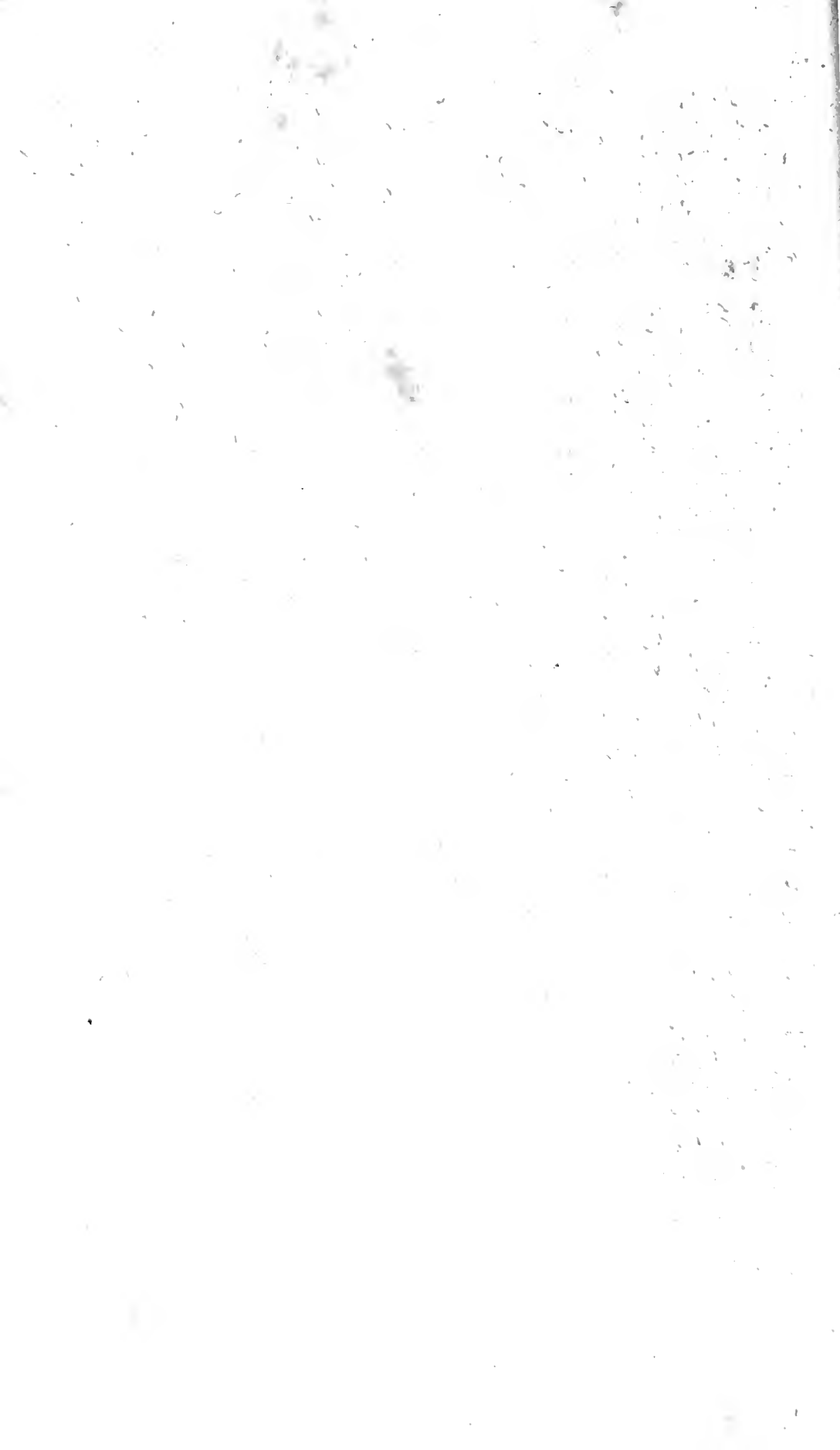
On motion by Mr. Hay of Clark,
The further call of the House was dispensed with.
A message from the Senate by Mr. Dunn their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate reciprocates the resolution of the House to adjourn *sine die*.

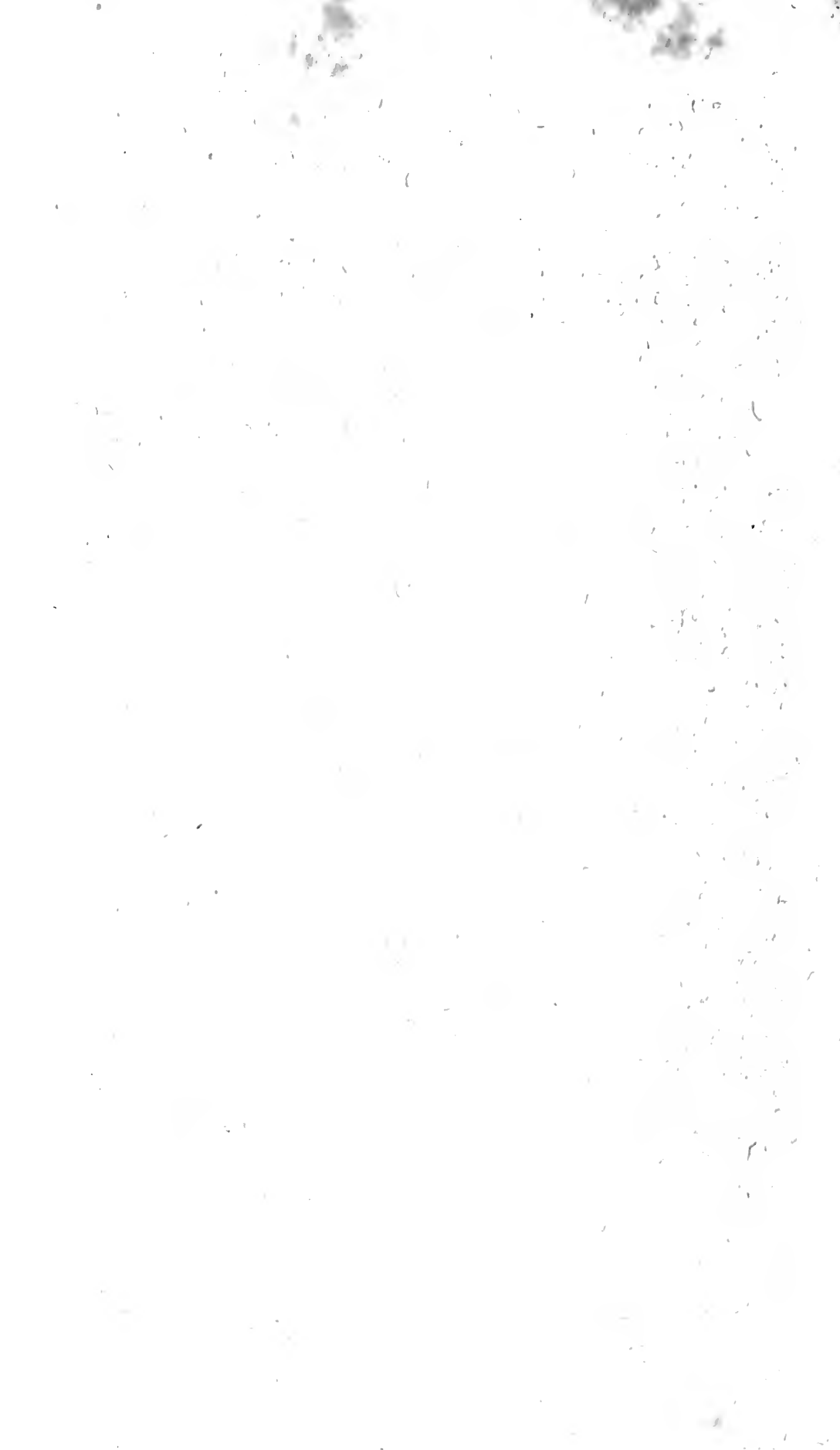
On motion by Mr. Hanna,
The House adjourned, *sine die*.

GEORGE L. SITES,
Principal Clerk of the House of Representatives.
A. J. BOONE,
Assistant Clerk.



ERRATA.

- Page 1165, 12th line from the bottom, for "121" read "123."
Page 1196, 3d line from the top, for "enacting" read "resolving."
Page 1240, top line, for "182" read "152."
Page 1431, 6th line from the bottom, for "whole" read "while;" and
in the 22d line from the bottom, for "124" read "125."
Page 1437, 10th line from the bottom, for "Dougherty" read
"Doughty."
Page 1537, 8th line from the top, for "House" read "Senate."
Page 1560, 3d line under orders of the day, for "240" read "201."
Page 1576, 19th line from the bottom, for "McDowell" read "Mc-
Donald."
Page 1628, 5th line from the bottom, for "134" read "124."
Page 1654, first line, for "House" read "Senate."
Page 1797, strike out the word "which" in the last line of the mo-
tion of Mr. Manson.
Page 1827, 5th line from the top, for "House" read "Senate."
Page 1828, for "House bill No. 81" read "Senate bill No. 81."
Page 1838, 22d line from the top, for "12th," read "21st."
Page 1868, immediately before the ayes and noes, "a motion to lay
on the table" should be inserted.
Page 1896, in Mr. Williams's report, for "147" read "149."
Page 1975, in Mr. Torbet's report, for "bill No. 294" read "House
bill No. 294."
Page 2042, 3d line from the top, for "500" read "592."
Page 2081, 6th line from the bottom, for "302" read "308."
Page 2110, 2d line, for "204" read "274."
Page 2195, in Mr. Behm's second report, for "391" read "301."
Page 2282, 3d line from the top, for "509" read "309."



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BILLS OF THE HOUSE OF REPRESENTATIVES.

<i>Number.</i>	<i>TITLE.</i>	<i>Introduced.</i>	<i>Proceedings before passage.</i>	<i>Passed House.</i>	<i>Passed Senate.</i>	<i>Other proceedings.</i>	<i>Approved.</i>
3	A bill to regulate the mode of proceedings against canal companies for failing to construct, build, rebuild, repair, or supply bridges at such places across such canals as said canal crosses any State or county road or street of a town.....						
9	A bill to authorize county auditors and recorders to recopy maps and plats when the original shall have become worn or defaced,				1475		1511
14	A bill for the subscription to and preservation of the public newspapers printed in the several counties of this State.....		1949	2009	2146		2241
22	A bill authorizing the clerks of the circuit court to take acknowledgment of deeds in certain cases.....		1250, 1427, 1446, 1552	1552	1999		2112
23	A bill to compute interest annually upon notes or other obligations made payable to executors, administrators and guardians ..		1209, 1575				
			1063				

27	A bill for the more uniform mode of doing township business.....	1488	1511
37	A bill relating to the organization of the Supreme Court, its judges, their terms, jurisdiction, powers, and duties, and matters incident thereto.....		
39	A bill to legalize the action of school commissioners in cases where the tax duplicates have been made out before the taking effect in their counties of the school law of 1849.....	1169, 1187, 1463, 2041	
45	A bill to prohibit negroes and mulattoes from coming into the State of Indiana, and for the registering of such as are entitled to reside therein and to prevent contracts with negroes and mulattoes not entitled to such residence	1049	1181
46	A bill to provide for the subscription by the State Librarian for one copy annually of each of the public weekly newspapers published in this State, and for the binding thereof.....	1062 1161	
47	A bill to provide for making out and printing a catalogue of the books in the State Library	{ 1246, 1252, 1257 { 1499, 1504, 1576 { 1585 1250, 1269 1250, 1464	2287
		1585 1980 2201	

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

<i>Number.</i>	<i>TITLE.</i>	<i>Introduced.</i>	<i>Proceedings before passage.</i>	<i>Passed House.</i>	<i>Passed Senate.</i>	<i>Other proceedings.</i>	<i>Approved.</i>
48	A bill to provide for the sale of county seminaries, and the property belonging thereto, and to transfer the proceeds thereof to the common school fund.....						
56	An act making general provisions concerning courts of justice, and the powers and duties of judicial officers, embracing the following matters, viz: &c.....				2036	2046, 2111	2171
58	A bill providing for laying out, opening, working on, changing and vacating highways, the erection of bridges, the officers entrusted with the care and superintendence of highways and bridges, of the election or appointment and duties of supervisors, and other miscellaneous provisions relating to highways		1155, 1248, 2030 } 1081, 1169, 1249, 1303 } 1345, 1360, 1365			{ 1143, 1158, 1163 } 1169	1242
59	A bill to provide for the incorporation of railroad companies.....			1365	1517	1518, 1548	1669

61	A bill to prevent the destruction of or injury of animals, and the destruction of human life by railroads, and to provide compensation for the same.....	1572	1669
62	A bill for the limitation of civil actions.....	1161	1193, 1246, 2147
70	A bill to establish courts of common pleas and defining the jurisdiction and duties of the judges thereof.....	1167	{ 1372, 1464, 1470 1500, 1510, 1533 1534, 1595, 1632
72	A bill for the incorporation of county libraries.....	1357	1645, 1651
73	A bill to repeal certain acts therein named...	2211	2260
74	A bill regulating interest upon contracts.....	2126	2283
78	A bill to provide for a uniform enumeration of the subdivisions of sections and quarter sections in the township of land in Monroe county reserved for a State seminary, and for making out and recording the plats of such subdivisions and the compensation therefor.....	1249, 1672, 2207, 2210	
79	A bill authorizing the construction of plank, McAdamized and gravel roads	1247	1247, 1315, 1547
80	A bill for the relief of the poor	1912	2032
			1669
			2112

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

<i>Number.</i>	<i>TITLE.</i>	<i>Introduced.</i>	<i>Proceedings before passage.</i>	<i>Passed House.</i>	<i>Passed Senate.</i>	<i>Other Proceedings.</i>	<i>Approved.</i>
81	A bill to authorize trustees and other church officers to receive conveyances of land and donations for the use of schools, literary societies, meeting houses, churches, Masonic, Odd Fellows, and Sons of Temperance lodges, and other voluntary and benevolent associations, and some general provisions respecting burying grounds.....						
82	An act to enable the Madison and Indianapolis Railroad Company to avoid the inclined plane at Madson, to provide for the sale of the interest of the State in said railroad, and to repeal, so far as affects the Madison and Indianapolis Railroad Company, the 55th and 58th sections of the act entitled an act for the continuance and construction of all or any part of the public works of this State by private companies, and for		1131, 1164, 1172	1172			

abolishing the board of internal improvements and the offices of fund commissioner and chief engineer, approved January 28, 1842.....	1097
86 A bill to establish some general provisions respecting corporations.....	1061
87 A bill to authorize the Auditor, Secretary and Treasurer of State to sell Lots Nos. 4, 5 and 6, in square No. 47, in the city of Indianapolis, known as the Governor's House, and all the household and personal property belonging to the same, owned by the State..	1132, 1165
89 A bill in relation to the officers and soldiers of Indiana, who served in the war with Mexico.....	1250, 1464, 1571
93 An act to regulate the sale of the swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof in accordance with the condition of said grant.....	1053
94 An act to regulate the remission of fines and forfeitures.....	1879
95 A bill to provide for the enlargement of the Indiana Hospital for the Insane.....	2215
99 A bill relating to prosecuting attorneys in the 4th and 8th judicial circuits.....	2109, 2145
101 A bill to divide the State into Congressional districts.....	2112

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

<i>Number.</i>	<i>TITLE.</i>	<i>Introduced.</i>	<i>Proceedings before passage.</i>	<i>Passed House.</i>	<i>Passed Senate.</i>	<i>Other proceedings.</i>	<i>Approved.</i>
102	A bill regulating the licensing of pilots at the falls of the Ohio, requiring bond and security of such pilots, prohibiting any unlicensed person from acting as such pilot, and providing for the compensation of such pilots, and the revocation of their licenses.....						
103	An act to provide for the speedy redemption of the outstanding treasury notes of the State of Indiana.....		1130	1131	2023	2103	2242
104	A bill to regulate the mileage of sheriffs in conveying convicts to the State Prison, and of county treasurers in making deposits, and in their settlements with the Treasurer and Auditor of State.....				1052		1097
105	An act to provide for the sale of the stock owned by the State of Indiana in the Madison and Indianapolis railroad company....		1769, 1805 1070, 1075	1806	2104	2140, 2236, 2259	2282 1181

108	A bill regarding the administration of estates of the value of five hundred dollars or less...	1043, 1250, 1268		
110	A bill to change the time of holding the probate court in the county of Dearborn.....		1548	
112	A bill to authorize the formation of companies for the detection and apprehension of horse thieves and other felons, and defining their powers.....		1168	1242
115	A bill to exempt property from sale in certain cases.....		1164	
116	A bill to establish at the seat of government law and medical branches of the State University.....	1249, 1672		
121	A bill to establish a Normal department of Indiana University for the education, free of charge, of male and female teachers of common schools.....	1249, 1673		
122	A bill to provide for the organization of county boards, and defining their powers and duties.....			1053, 1064, 1157 1242
123	A bill to establish circuit courts, and define the powers and duties of the judges and officers of such courts.....	1165, 1249, 1341, 2040		
124	A bill to provide for the incorporation of townships, and defining the powers and duties of such corporations, also the duties of county auditors, treasurers and clerks of the circuit court in relation to the same...	1226, 1990		

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

<i>Number.</i>	<i>TITLE.</i>	<i>Introduced.</i>	<i>Proceedings before passage.</i>	<i>Passed House.</i>	<i>Passed Senate.</i>	<i>Other Proceedings.</i>	<i>Approved.</i>
125	A bill to regulate and limit the expenses of the State Benevolent Institutions.....						
129	A bill for the recovery of property removed by high water		1173, 1828				1053
131	A bill granting to all incorporated companies of this State, which possess by virtue of their corporate powers the right to build steamboats and other vessels, the further right to construct and use marine railways and all other fixtures, apparatus and machinery that may be necessary or useful in the building, repairing, or launching of steamboats or other vessels.....		1136, 1166	1166			1053
135	A bill to divide the State into Supreme court districts and define the limits thereof.....						
136	A bill declaratory of the law regulating mariages, and enforcing the same by proper penalties.....				1161		1181

137	A bill to provide for a general and uniform system of common school, and school libraries, and matters properly connected therewith	1057, 1228, 1230, 1249, 1602, 1681, 1686, 1687, 1693, 1747,	1750	1978	2033, 2059	2214
138	A bill providing for the incorporation of bridge companies.....					
139	A bill to authorize and regulate the business of general banking.....			1168		1242
141	A bill for the election of justices of the peace and to supply vacancies therein	1044, 1047, 1054	1058	1711	1715, 1730	1879
143	A bill to provide for the punishment of offences against the right of suffrage.....	2052				
147	A bill to regulate the traffic in intoxicating liquors and for the prevention and remedy of the evils arising therefrom.....	1249, 1601				
148	A bill regulating the office of county auditor,	{ 1150, 1183, 1250,				
149	A bill to prefix to the volumes of legislative enactments hereafter published the names and residence of the Governor, Lieut. Governor, Senators and Members of the Assembly and presiding officers of both Houses in office at the time of the passage of such laws.....	{ 1290, 1366, 1368, 1401				
		1191, 1249, 1673				
150	A bill to provide for the public printing and binding, distribution of the laws and journals, and the publication thereof in the newspapers.....	1210, 1249, 1828				
			1050			1050

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

<i>Number.</i>	<i>TITLE.</i>	<i>Introduced.</i>	<i>Proceedings before passage.</i>	<i>Passed House.</i>	<i>Passed Senate.</i>	<i>Other proceedings.</i>	<i>Approved.</i>
152	A bill to authorize the State Librarian to contract for recovering the State House with a patent roof of the Boston sheet paper, also for the re-painting of the outside wood-work and the necessary plastering of the same.....						
154	A bill to authorize cities of five thousand inhabitants and more, to borrow money, issue their bonds, purchase and build wharves, erect public buildings for the use of their cities, purchase grounds, furnish lights and water for their cities, either by companies or independent, take or purchase stock in the same, and take stock in turnpike, plank or railroads, leading to their respective cities, on petition of two-thirds of the resident inhabitants thereof.....		1117	1117	1239	1244	1401
			1191, 2158				

155	A bill to provide for the running at large of all kinds of animals, within the different townships in the different counties of this State, to provide for the taking up, impounding and selling of all such animals, as shall not be allowed by law to run at large.....	{ 1130, 1211, 1246 1252, 1317, 1622 1737, 1766, 1767	1768 1850	1921
156	A bill to provide for the punishment of offences by imprisonment in the county jail or by fine.....	1102, 1149	1149	
157	A bill for the relief of Samuel H. Patterson, and to reduce his rent as lessee of the penitentiary.....		1796 1797	1879
158	A bill to legalize the election of directors of bridge companies, and the acts of such directors, and fixing the time for holding the election and prescribing the term of office of such directors.....		1161	1181
159	A bill to modify an act to incorporate the city of Indianapolis as to make all officers elective by the people.....	1192	1192 1239 1240, 1241	1245
160	A bill for the taxing of dogs and paying for sheep killed by dogs.....	1138		
161	A bill to regulate the interest on money in the State of Indiana.....	1249, 1379		

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

<i>Number.</i>	<i>TITLE.</i>	<i>Introduced.</i>	<i>Proceedings before passage.</i>	<i>Passed House.</i>	<i>Passed Senate.</i>	<i>Other pro- ceedings.</i>	<i>Approved.</i>
162	A bill in relation to agents of foreign insurance companies; duties of clerk of the circuit courts, county auditors, and Secretary of State; also fixing a penalty for a violation of the provisions of this act by such agents in this State.....						
163	A bill to provide for the relocation of county seats		1192, 1378-9, 2073 1249, 1290				
164	A bill to repeal an act entitled an "act to amend an act authorizing the construction of plank roads, approved January 15, 1849," approved January 14, 1850.....				2078		2171
165	A bill for the repeal of an act limiting the fees of the auditor of the county of Maryland shall						
167	A bill to provide for the inspection of tobacco						
168	A bill relative to executions upon shares or stocks of individuals in corporations; on		1232, 1352	1125	2127		2242

169	money deposits, general or special in banking and moneyed corporations, and to the transfer of the same and to sequester on execution the tolls and benefits of turnpike, plankroad, bridge or other corporations authorized to receive tolls.....	1191, 1268			
170	A bill regulating descents and the apportionment of estates.....	1249		1150	2112
171	A bill for the regulation of weights and measures.....	1054, 1113,		2035	
172	A bill to regulate the tolls of grain mills and prescribing the duties of millers.....	1067 1069, 1075		1075	
173	A bill concerning crimes and punishment, and proceedings in criminal cases.....	1070 { 1072, 1133, 1167, 1178, 1250, 1353			
	A bill to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and Auditor and Treasurer of State	1079 { 1080, 1177, 1186, 1250, 1356, 1400, 1402, 1462, 1473, 1478, 1523, 1530, 1858, 1917, 1924 }			
174	An act in relation to the competency of witnesses....	1093 1119, 1191, 1829		1924 2045 2058	2257

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

<i>Number.</i>	<i>TITLE.</i>	<i>Introduced.</i>	<i>Proceedings before passage.</i>	<i>Passed House.</i>	<i>Passed Senate.</i>	<i>Other proceedings.</i>	<i>Approved.</i>
175	A bill authorizing the circuit court of Clinton county to sit two weeks if the business require it.....	1093	1119, 1150	1151			1242
176	A bill providing for the completion of the unfinished canals of the State of Indiana.....	1093	1119, 1778, 1807	1808	2191	2205, 2240	2282
177	bill to provide for equalizing the appraisalment for taxation of the real property in the State of Indiana.....	1102	{ 1145, 1178, 1250 1355, 1411	1411	1842		1879
178	A bill to amend the 3d section of "an act to increase and extend the benefits of common schools, approved January 17, 1849	1124	1145, 1167				
179	A bill regulating the inspection of salt, beet, flour, pork and tobacco.....	1138	1158, 1232, 1352				
180	A bill in relation to witnesses in civil cases...	1145	1161, 1191, 1829				
181	A bill for the relief of purchasers or owners of certain tracts or lots of land, denominated Michigan road lands in the county of Fulton.....	1145	{ 1161, 1881, 1960 2126, 2157				

182	A bill to raise revenue for state purposes for the year 1852.....	1157	1179, 1180	1180	1239	1242
183	A bill relative to the acknowledgment and recording of deeds, heretofore made and recorded	1158	{ 1180, 1250, 1575 1863, 1876	1877		
184	A bill to authorize railroad companies to bridge navigable streams.....	1158	{ 1182, 1250, 1345 1366	1366		
185	A bill to amend the first section of an act entitled "an act for the relief of certain persons therein named," approved February 16, 1848.....	1169	1251 1828			
186	An act in relation to electric telegraph companies, their duties and liabilities.....	1177	1251, 1353			
187	A bill to exempt the stocks of railroads, turnpike roads, plank roads, canals and other public improvements from taxation, until a part of the same is completed and in operation.....	1178	1251, 1829			
188	A bill fixing the per diem pay of members of the Legislature.....	1188	1251, 1575			
189	A bill for the regulation of the General Assembly, enforcing the attendance of the members thereof, and declaring vacant the seats of those members who absent themselves without leave.....	1177	1251, 1299, 2206			
190	An act providing for the erection of buildings appertaining to the State Prison.....	1205	1206	1206	1229	1242

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

<i>Number.</i>	<i>TITLE.</i>	<i>Introduced.</i>	<i>Proceedings before passage.</i>	<i>Passed House.</i>	<i>Passed Senate.</i>	<i>Other pro- ceedings.</i>	<i>Approved.</i>
191	A bill to amend the 3d section of an act entitled "an act to incorporate the White River Navigation Company, approved February 13, 1851, and to extend the rights and privileges of said company.....	1209	{ 1251, 1410, 1491 1514, 1587, 1662	1662	2111		2258
192	A bill to provide for the election of a State Librarian, and defining the duties of the office, and regulating the affairs of the State Library	1211	1251, 1343				
193	An act concerning mortgages.....	1257	1272, 1321, 1322, 1339	1359	1461		1489
194	A bill concerning real property and the alienation thereof.....	1257	1272, 1375	1377	1488		1511
195	A bill dividing the State into counties, and defining their boundaries, and defining the jurisdiction of such as border on the Ohio or Wabash Rivers.....	1258	1273, 1536, 1595, 1622	1623	1847		2029
196	A bill to regulate the tariff of tolls on the Wabash and Erie Canal.....	1259	{ 1272, 1302, 1421 1492, 1656, 1659				

197	A bill explanatory to the act entitled "an act providing for the election of town and city officers, and prescribing the qualifications of voters in such elections, approved March 10th, 1852, and to provide for filling vacancies in the office of councilman or trustee	1259	1269, 1294	1295	1337	1337
198	A bill concerning the accumulation, suspension of ownership and joint tenancy of personal property.....	1262	1296, 1348	1413	1488	1511
199	A bill providing for the election and qualification of justices of the peace and defining their jurisdiction, powers and duties in civil cases	1263	{ 1263, 1400, 1487 1493, 1582	1584	1734	1798, 1851
200	A bill prescribing the powers and duties of justices in State prosecutions	1263	1297, 1443, 1552	1553	1815	1879
201	A bill regulating descents and the apportionment of estates.....	1264	{ 1327, 1360, 1371 1386, 1394, 1415 1419	1419	1559	1560, 1572
202	A bill prescribing the number and defining the powers and duties of constables	1271	1297, 1488, 1569, 1637	1637	1730	1879
203	A bill regulating general elections and prescribing the duties of officers in relation thereto.....	1288	{ 1318, 1391, 1421 1485, 1515	1535	1910	2029
204	A bill concerning the partition of lands.....	1288	1320, 1390, 1457, 1553	1554	1652	1752
205	A bill to provide for contesting the election to any State, district, circuit, county or township office.....	1288	1320, 1370	1370	1461	1489

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

<i>Number.</i>	<i>TITLE.</i>	<i>Introduced.</i>	<i>Proceedings before passage.</i>	<i>Passed House.</i>	<i>Passed Senate.</i>	<i>Other Pro- ceedings.</i>	<i>Approved.</i>
206	A bill for the protection of lands held by or mortgaged to the State, and concerning charges thereon.....	1289	1324, 1370	1371	1461		1489
207	A bill providing for the surrender of the public works.....	1289	{ 1324, 1445, 1500 1536, 1589, 1593	1593	1798	1907	1982
208	A bill respecting compensation for causing death by wrongful act, neglect, or default.....	1296	1324, 1393				
209	A bill concerning enclosures, trespassing animals and partition fences.....	1298	1325, 1781, 1821	1821	1945		1982
210	A bill regarding estrays and articles adrift ...	1300	1325, 1926, 2047, 2080	2081	2191		2258
211	A bill regulating the granting of divorces, nullification of marriages and decrees and orders of court incident thereto.....	1315	1331, 1390, 1472	1473	1548		1669
212	A bill regulating prosecutions in cases of bastardy, and providing for the support of illegitimate children.....	1316	1332, 1334, 1385	1385	1488		1511
213	A bill touching official bonds and oaths.....	1316	1333, 1390, 1486	1565	2029		2112

214	A bill concerning promissory notes and bills of exchange	1328	1415, 1490	1490 1548	1669
215	A bill to encourage the growth of silk	1328	1415, 1492	1492 1572	1669
216	A bill regarding inspectors of salt, beef, pork, flour, tobacco and hay	1328	1415, 1501	1502 2036	2171
217	A bill concerning unlawful detention of lands and the recovery thereof	1328	1416, 1532	1533 1597	1669
218	A bill to regulate electric telegraph companies	1329	1416, 1513	1513 1597	1669
219	A bill touching easements	1340	1417, 1502	1503 1572	1669
220	A bill for the encouragement of fire companies	1340	1417, 1503	1503 1572	1669
221	A bill concerning county prisons	1340	1417, 1503, 1566	1567 1735	1878
222	A bill regarding insolvent debtors	1341			
223	A bill concerning trusts and powers	1341	1418, 1504, 2046	2047 2146	2278
224	A bill to authorize and limit allowances by county boards and drafts upon county treasuries	1341	1418, 1486, 1569, 1647	1648 1730	1878
225	A bill concerning fugitives from justice	1342	1421, 1549, 1561, 1648	1648 1730	1878
226	A bill in relation to special elections	1342	1421, 1504	1504	1669
227	A bill touching vacancies in office and filling the same by appointment	1342	1422, 1506, 1517	1517 1597	1669
228	A bill regulating the election and duties of State Librarian	1342	1422, 1428, 1432, 1538	1541 1597	1878
229	A bill concerning the general fund and the expenditures chargeable thereon	1343	1430, 1541	1541 1597	1669
230	A bill to create a special term of the Tippecanoe circuit court	1344	1344, 1416	1416 1561	1669
231	A bill authorizing the recovery, by a wife, of property lost by gambling	1344	1430, 1554		

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

2342

<i>Number.</i>	<i>TITLE.</i>	<i>Introduced.</i>	<i>Proceedings before passage.</i>	<i>Passed House.</i>	<i>Passed Senate.</i>	<i>Other Proceedings.</i>	<i>Approved.</i>
232	A bill to repeal an act entitled an act extending the benefit of the valuation laws to judgment debtors to the surplus revenue, and giving additional time to such persons for the payment of the same, approved January 13, 1844.....	1344 1430					
233	A bill providing for and regulating the relation of master and apprentice.....	1345 1430, 1541		1542 1692			1878
234	A bill repealing all former acts of the Legislature except those therein named.....	1345 1430, 1877, 2114, 2127		2128 2271			2283
235	A bill concerning the assignment of judgments and decrees.....	1354 1442, 1542		1543 1597			1669
236	A bill containing several provisions regarding landlords, tenants, lessors and lessees.....	1353 1451, 1554		1555 1652			1752
237	A bill declaring what documents shall be published along with the Revised Statutes.....	1354 1451, 1556		1556 1736			1878
238	A bill concerning interest on money	1354 1452, 1556, 1591, 1599		1601 1734 1735			1879
239	A bill regarding salaries.....	1354 1452					

240	A bill prescribing the duties of Secretary of State.....	1355	1452, 1453, 1558, 1623	1623	1692	1752
241	A bill in relation to commissions, certificates, and resignations of officers.....	1355	1452, 1561	1561	1652	1752
242	A bill to submit to the voters of the counties of Perry and Spencer, at the general election for the year 1852, a proposal to create a new county out of a portion of the territory of said counties, under the provisions of the fifteenth specification of the schedule to the constitution, and providing for the manner of voting on said proposition, and the duty of the officers of election, and of the clerks of the circuit courts, and sheriffs of said counties respectively, and of the Secretary of State in relation thereto	1368	1453, 1562	1562	1736	1878
243	A bill to regulate the retailing of intoxicating liquors	1368	{ 1454, 1586, 1637 1641, 1656			
244	A bill concerning liens of mechanics, merchants and others.....	1379	1472, 1565	1565	1668	1752
245	A bill concerning the three per cent. fund, and the management thereof.....	1379	1486, 1565	1566	1668	1752
246	A bill to authorize the Governor to sell the buildings on the Governor's Circle.....	1383	1486, 1491, 1962	1963		
247	A bill respecting foreign corporations and their agents in this State.....	1383	{ 1486, 2072, 2124 2125, 2154	2155	2215	2278
248	A bill in relation to the construction of statutes, and the definition of terms therein...	1383	1487, 2094, 2115	2115	2192	2283
					2194, 2215	

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

2344

<i>Number.</i>	<i>TITLES.</i>	<i>Introduced.</i>	<i>Proceedings before passage.</i>	<i>Passed House.</i>	<i>Passed Senate.</i>	<i>Other proceedings.</i>	<i>Approved.</i>
249	A bill prescribing the powers and duties of Auditor of State.....	1410	1488, 1382, 1662	1663	1730		1879
250	A bill to abolish the office of State Agent, and to require the Auditor of State to perform the duties.....	1412	1487, 1818				
251	A bill for the regulation of the penitentiary..	1413	1491, 1579	1580	1735		1878
252	A bill declaring abduction a felony, and providing for its punishment.....	1413	1492, 1654				
253	A bill concerning saline lands.....	1427	1507, 1580	1580	1669		1752
254	A bill fixing the per diem and mileage of members of the General Assembly.....	1427	1507, 1580	1581	1911	1945	1982
255	A bill prescribing the duties of Treasurer of State.....	1428	1509, 1581	1581	1669		1752
256	A bill to provide for township elections.....	1447	1544, 1551, 1648	1649	2166		2242
257	A bill in relation to county auditors.....	1463	1564, 1650	1650	1799	1863	1920
258	A bill in relation to county treasurers.....	1463	1564, 1651, 1664, 1674, 1675	1675	1908		1982
259	A bill to provide for the levying upon real estate upon execution, when the debtor has						

260	conveyed the same to a third party, before levy made.....	1470	1564, 1657			
	A bill to provide for the appointment of Notaries Public, and defining their powers and duties.....	1470	1564, 1657	1658 1977	1997, 2018, 2050	2112
261	A bill regulating the appointment and removal of guardians for minors, prescribing their powers and duties, authorizing the sale of real estate of minors, requiring bond with security to be given by such guardian, and authorizing suits on the same.....	1470	1564, 1841, 1913	1914 1981		2112
262	A bill defining who are persons of unsound mind, authorizing the appointment of guardians for such persons, defining the powers and duties of such guardians, declaring void the contracts of persons of unsound mind, and providing for their restraint, when necessary.....	1478	1569, 1658	1658 1815		1879
263	A bill to regulate the hours of manual labor...	1478	1570, 1729, 1746	1747		
264	A bill prescribing the duties of Governor ...	1491	1572, 1659	1659 1731		1878
265	A bill prescribing the duties of Coroners....	1514	1595, 1664	1665 1739		1878
266	A bill to provide for the assessment and taxation of the stock of railroad, plank road, and turnpike road, canal, slack water navigation, and bridge companies, situated in whole or in part in this State.....	1542	1624, 1625, 1649 { 1703, 1848, 1916			
267	A bill to provide for the opening, vacating and change of highways.....	1574	} 1957, 2010, 2041	2041 2169		2283

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

2346

<i>Number.</i>	<i>TITLE.</i>	<i>Introduced.</i>	<i>Proceedings before passage.</i>	<i>Passed House.</i>	<i>Passed Senate.</i>	<i>Other proceedings.</i>	<i>Approved.</i>
268	A bill to provide for the erection and repair of bridges.....	1574	1682, 1704	1705	1764		1878
269	A bill amendatory of an act regulating de- scents, and the distribution of estates.....	1575	1681				
270	A bill to prevent the adulteration of wines, spirits and other liquors.....	1576	1682				
271	A bill giving validity to a certain class of contracts	1594	1682, 1705	1706	1899		1920
272	A bill to repeal an act entitled "an act to an- nex the town of Bellville to the town of Mt. Vernon, approved February 4, 1851..	1601	1701, 1742	1742			
273	A bill to authorize railroad companies to in- crease the amount of their capital stock...	1621	1701, 1732, 1912, } 1924, 1986	1988	2203		2282
274	A bill in relation to navigable water courses, and the enjoyment thereof.....	1630	1701, 1817, } 2109, 2110 }				
275	A bill to provide for the erection of an armo- ry, and the preservation of the State arms and accoutrements.....	1655	1704, 1763, 1776, } 1802, 1822 }				

276	A bill relative to the salaries of public officers, and providing for the manner of paying the same.....	1656	1703, 1718, 1755, } 1761, 1782, 1789, } 1793, 1853, 1859, } 1897, 1905 }			2258
277	A bill authorizing the State Printer to print, bind and publish one thousand copies of the laws passed by the present General Assembly in the German language.....	1671	1706, 1769, 1806, 1845	1846	2111	2258
278	A bill to extend the time of complying with the provisions of an act entitled "an act for the relief of persons therein named, approved January 26, 1847"	1673	1710, 1744, 1849, 1912	1913	1981	2112
279	A bill to require certain officers to execute further official bonds.....	1674	1710, 1745	1745	1999	2112
280	A bill to amend the charter of the city of Indianapolis	1677	1710, 1754			
281	A bill extending the admissibility of records in evidence	1681	1734, 1767, 1822, 1860	1860		
282	A bill to establish a House of Refuge for juvenile offenders in the State of Indiana.....	1710	2182, 2198 } 1745, 1904, 1973, }			
283	A bill regulating the fees of officers.....	1729	1763, 1766, 1931, 1950, } 1967, 1970, 2023 }	2025	2167	2258
284	A bill to authorize township trustees to construct levees and assess a tax therefor.....	1732	1767, 1808, 1870, 1923	1923	2058	2171
285	A bill providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county or township officers in relation thereto	1755	{ 1802, 1808, 1848, 1916, 1957, 2042, 2055, 2057 }	2057	2166	2283

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

2348

<i>Number.</i>	<i>TITLE.</i>	<i>Introduced.</i>	<i>Proceedings before passage.</i>	<i>Passed House.</i>	<i>Passed Senate.</i>	<i>Other Proceedings.</i>	<i>Approved.</i>
286	A bill to encourage more effectually the destruction of wolves.....	1774	1796, 1822	1822	2036		2112
287	A bill for the protection of sheep.....	1774	1796, 1812	1812	2166		2242
288	A bill to repeal sec. 38 of an act entitled "an act to consolidate and publish in one act the several acts incorporating the city of Lawrenceburgh," and revise and amend the same	1801	1807				
289	A bill regulating warehouses, the keepers thereof, and for the protection of persons depositing produce, goods, wares and merchandise therein	1826	{ 1849, 1961, 2047 2053, 2108	2109	2219		
290	A bill concerning officers of municipal corporations.....	1842	1914, 1922	1922	2091		2170
291	A bill to provide for the payment into the State Treasury, moneys received on deposit by the registers and receivers of the land offices of the United States in this						

292	State, for the entry of swamp lands; for the issue of certificates of purchase and patents to the depositors of said money; and compensation to such registers and receivers for their services in such cases...	1842	1917, 2031, 2034	20352143	2170	2215
	A bill to repeal sections five and six of an act entitled "an act to establish a free turnpike road in Jay county," approved January 13th, 1845, also to repeal so much of section five of an act entitled "an act to establish a free turnpike road," approved February 12th, 1851, as applies to that portion of the above named roads lying in Jay county.....	1849	1916, 1974	19742102		2171
293	A bill in relation to the assessment and taxation of stock in road, canal, slackwater navigation, telegraph and bridge companies.....	1861	1950			
294	A bill in relation to the printing and distribution of the Revised Statutes, and the code of civil and criminal practice.....	1862	{ 1950, 1975, 1986 2094	20982191	{ 2207, 2213, 2232 2235, 2242, 2259 2262, 2278	2283
295	A bill to fix temporarily the compensation of judges of the circuit courts.....	1863	1950			
296	A bill to provide for filling vacancies in boards of county commissioners until the taking effect of the general law upon that subject.....	1872	1872	18731899		1900

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

<i>Number.</i>	<i>TITLE.</i>	<i>Introduced.</i>	<i>Proceedings before passage.</i>	<i>Passed House.</i>	<i>Passed Senate.</i>	<i>Other pro- ceedings.</i>	<i>Approved.</i>
297	A bill in relation to the construction of laws and city ordinances	1893	1957, 2009, 2033				
298	A bill for revenue purposes and to establish a sinking fund with commissioners of the same for the redemption of bonds of the State therein named and the liquidation of the public debt	1904	{ 1990, 2026, 2092 2124	2125	2192	{ 2193, 2214 2239, 2259	2283
299	A bill to provide for the State printing.....	1907	1907				
300	A bill relative to the salaries of public officers, and providing for the manner of paying the same.....	1911	1990, 1993, 2027	2027	2237	2259, 2261	2283
301	A bill regulating appeals from the awards of arbitrators to assess damages in certain cases.....	1927	{ 2008, 2009, 2010 2039	2039	2146		2215
302	A bill in relation to assessment and taxation of the stock of canal companies.....	1930	{ 1989, 2037, 2062 2069, 2071	2072	2143		
303	A bill to regulate the formation of mutual fire insurance companies.....	1949	1998, 2029, 2115				

304	A bill respecting recorders.....	1985	2010			
305	A bill to extend the time of the probate court of Daviess county.....	1998	2010, 2040	2040	2078	2171
306	A bill to empower the circuit judges to fix the time of holding circuit courts in their respective circuits.....	2008	2042, 2079, 2116	2117	2269	2287
307	A bill to divide the State into judicial circuits.....	2022	{ 2042, 2048, 2053, 2103 2108, 2117, 2132			
308	A bill making specific appropriations for the year 1852.....	2027	{ 2070, 2073, 2081 2100, 2152, 2176			
309	A bill making general appropriations for the year 1852.....	2028	{ 2179, 2180, 2188 2098, 2099, 2115, 2173	2188	2226	{ 2227, 2235, 2237 2256, 2258
310	A bill to increase the benefits of common schools, by applying the University funds, and the proceeds of the unsold lands in the reserved townships of Gibson and Monroe counties, and of square No. 25, of the city of Indianapolis, to the common school system.....	2031	2129, 2154	2175	2258	2283
311	A bill supplemental to an act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties thereof.....	2080	{ 2119, 2160, 2163 2199, 2203	2203 2212		

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

2352

<i>Number.</i>	<i>TITLE.</i>	<i>Introduced.</i>	<i>Proceedings before passage.</i>	<i>Passed House.</i>	<i>Passed Senate.</i>	<i>Other proceedings.</i>	<i>Approved.</i>
312	A bill supplemental to an act entitled an act to establish courts of common pleas, and defining the jurisdiction and duties, and providing compensation for the judges thereof						
313	A bill to suspend the operation of an act entitled an act to provide for a general and uniform system of common schools, and school libraries, and matters properly connected therewith.....	2080	{ 2129, 2142, 2160 2161, 2164	2164			
314	A bill supplementary to an act for the incorporation of cities	2080	2118				
315	A bill to provide for the appointment of trustees in the civil townships of this State.....	2116	2172, 2184, 2185	2186	2254		2287
316	A bill amendatory of the charter of the town of Clarksville, in Clark and Floyd counties	2130	2152, 2172	2172			
317	A bill to appropriate unappropriated Michigan road land funds to school purposes.....	2130	2130; 2156	2157	2215		2283
		2162	2172, 2197	2198	2261		2287

- 318 A bill declaring the word "ten," in the tenth
 section of an act to incorporate the town
 of Plymouth, Marshall county, approved
 February 11th, 1851, a misprint..... 2223 2223
- 319 A bill to suspend certain acts therein named.. 2225 2225
- 320 A bill to continue inforce all laws concerning
 the vending of spirituous and intoxicating
 liquors, and the keeping of tippling houses, 2267 2268

2287
 2287

2224 2261
 2226 2261

1320
 1320 H

JOINT RESOLUTIONS OF THE HOUSE OF REPRESENTATIVES.

2354

<i>Number.</i>	<i>TITLE.</i>	<i>Introduced.</i>	<i>Proceedings before passage.</i>	<i>Passed House.</i>	<i>Passed Senate.</i>	<i>Other proceedings.</i>	<i>Approved.</i>
9	A joint resolution in relation to newspaper postage.....						
10	A joint resolution in relation to a donation of public lands for a geological and topographical survey.....		1249, 1256				1053
16	A joint resolution asking a more liberal construction of the act of Congress of May 9th, 1848.....						1053
17	A joint resolution in relation to the improvement of the navigation of the Patoka and East Fork of White River.. ..						
19	A joint resolution to authorize the renting of the house on the Governor's Circle.....		1250, 1256, 2220	2220			
23	A joint resolution asking the passage of a law by Congress authorizing the State of Indiana to sell the saline lands that remain unsold, at such price as may be deemed right by the General Assembly of the State.....		1136				1053

24	A joint resolution on the subject of a ship canal around the Rapids of the St. Mary's river, connecting Lake Superior with the other Lakes.....	1052	1181
26	A joint resolution relative to the claim of Col. Francis Vigo, late a citizen of Knox county, Indiana.....	1070	
27	A joint resolution relative to bounty lands...	1234	1401
28	A joint resolution on the subject of donating government lands of the State of Indiana to the State.....	1072, 1093 1251, 1256, 1274	
29	A joint resolution in relation to the practice and pleadings in the United States courts...	1382	
30	A joint resolution.....	1412	
31	A joint resolution in relation to the Revised Statutes.....	1487, 1567 1487, 1568 1492	
32	A joint resolution in relation to the extension of time for the payment of claims due from certain citizens of this State to the Bondholders.....	1792	
33	A joint resolution on the subject of bridges over navigable rivers.....	1921	2241
34	A joint resolution to require the Secretary of State to publish certain acts therein named.	2008, 2043 2081, 2110, 2115 2118, 2153	2278 2224

JOINT RESOLUTIONS OF THE HOUSE OF REPRESENTATIVES—Continued.

<i>Number.</i>	<i>TITLE.</i>	<i>Introduced.</i>	<i>Proceedings before passage.</i>	<i>Passed House.</i>	<i>Passed Senate.</i>	<i>Other proceedings.</i>	<i>Approved.</i>
35	A joint resolution asking Congress for a grant of land to aid in constructing a railroad from Anderson, Indiana, <i>via</i> . Crawfordsville, along the dividing ridge of Big and Little Vermillion rivers, through Springfield, Illinois, and Hannibal, Missouri, to Fort Leavenworth	2192	2198, 2218	2218	2261		2283

BILLS AND JOINT RESOLUTIONS OF THE SENATE.

<i>Number.</i>	<i>TITLE.</i>	<i>Reported from Senate.</i>	<i>Proceedings before passage.</i>	<i>Passed House.</i>	<i>Other proceedings.</i>
74	A bill authorizing plank road and turnpike companies to create a sinking fund for the repair of said roads.		1051	1051	
88	A bill limiting the number of grand jurors, providing a mode for their selection, defining their jurisdiction, and repealing all laws inconsistent therewith.....		1051		
85	A bill regulating the time of holding courts in the 12th judicial circuit, and to regulate the time of empan- neling a traverse jury in the county of Allen	1067	1074, 1095	1096	1186, 2205, 2214
68	A joint resolution on the subject of the slave trade, and for the purpose of colonization.....	1067	1072, 1095	1095	
94	A bill to attach Boone county to the first judicial circuit	1073	1074	1074	
59	A bill authorizing boards doing county business to de- clare water courses navigable.....	1121	{ 1146, 1413, 1578 1701, 1741	1742	1782
101	A bill to re-organize the Board of Trustees of the In- diana University, defining their powers and duties, and providing for the election of President and other officers, and pointing out their powers and duties.....	1140	1162, 1188		

BILLS AND JOINT RESOLUTIONS OF THE SENATE—Continued.

2358

<i>Number.</i>	<i>TITLE.</i>	<i>Reported from Senate.</i>	<i>Proceedings before passage.</i>	<i>Passed House.</i>	<i>Other proceedings.</i>
93	A bill to provide for the payment of the public debt of the State, and prescribing the manner of accomplishing this object.....	1140	1163, 1210, 1256, 1275		
95	A bill to repeal an act approved Jan. 5th, 1850, relative to the duties of auditor and treasurer in the counties of Delaware and Randolph	1140	1164, 1385, 1448, 1449 1448		
79	A bill to provide for the appointment of commissioners to superintend the fencing of the Tippecanoe battle ground.....	1168	1187, 1251, 1316	1317	
8	A joint resolution on the subject of the three per cent. fund	1168	{ 1187, 1251, 1255 1419, 1768		
81	A bill to repeal the 1st section of an act entitled an act defining the duties of the treasurer of Morgan county, approved Feb. 11, 1851.....		1226, 1828		
102	A joint resolution memorializing Congress to pass an act placing assistant surgeons appointed by commanding officers of the U. S. Army during the war				

106	with Mexico, on the same footing as to bounty land and extra pay as regularly commissioned surgeons...	1240	{ 1251, 1255, 1275 1468, 1877, 1897 }	1469 1897	1469, 1945
6	A joint resolution suspending the 2d section of an act entitled "an act providing the remedy for the illegal reduction of real estate in the several counties of this State," and also the 1st section so far as county revenue is concerned.....	1240	1251, 1255		
70	A bill to enforce the provisions of article 13 of the Constitution of Indiana.....		1246, 1252, 1256		
111	A bill providing for the colonization of negroes and mulattoes and their descendants, constituting a State Board of Colonization, declaring the duties of said Board and the State Treasurer and county treasurer in relation thereto.....		1246, 1252, 1324, 1346	1347	
114	A bill to provide for the sale of the north-west quarter of section 26, in township one, north of five west, in Dubois county, the same having been reserved as salinelands.....	1247	1379		
105	A joint resolution in relation to declaring the bridge over the Ohio River at Wheeling, Virginia, a post route.....	1247	{ 1255, 1274, 1325 1389, 1744 }	1744	
	A bill to enable the county commissioners of the several counties to borrow money for the purpose of erecting and completing court houses, jails and other county buildings.....	1247	2243		

BILLS AND JOINT RESOLUTIONS OF THE SENATE --Continued--

<i>Number.</i>	<i>TITLE.</i>	<i>Reported from Senate.</i>	<i>Proceedings before passage.</i>	<i>Passed House.</i>	<i>Other Proceedings.</i>
64	A bill authorizing any company heretofore organized under the provisions of any general or special law of this State, for the purpose of constructing a plank, turnpike, gravel, McAdamized or coal road, to construct a railroad instead of such plank, turnpike, gravel, McAdamized or coal road, and prescribing the manner in which such change may be made	1247	{ 1447, 1545, 1621 1739, 1751	1751	1764
108	A joint resolution on the subject of suppressing small bank notes.....	1248	1255, 1273		
112	A joint resolution for the purpose of opening a correspondence with the Executive of Ohio regarding the appraisement and taxation of personal property.....	1248	1255, 1274, 1410, 1492		
33	A bill to prohibit the making distress for rent by warrant		1250, 1268		
116	A bill establishing general provisions respecting corporations.....				
117	A bill for the incorporation of mining companies and	1347	1431, 1917, 1998, 2121	2121	2145

118	companies for mechanical, chemical and building purposes	1347	1431, 1543, 1702	1702
119	A bill defining misdemeanors and prescribing punishment therefor	1348	1431, 1953	1956 2036, 2048, 2058
125	A bill defining felonies and prescribing punishment therefor	1348	{ 1433, 1436, 1654 1678, 1679 }	1681 { 1734, 1812 2031, 2059 }
120	A bill providing for the election of a State Printer, and for the public printing, the binding and distribution of the laws and journals and public documents	1348	1431, 1632, 1906, 2207	
123	A bill prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate and contest thereof.....	1349	1439, 1570, 1659	1743 1782
121	A bill providing for an organization of circuit courts, the election of judges thereof and defining their powers and duties	1349	1449, 1563	1563 1735, 1863, 1909
122	A bill for the incorporation of high schools, academies, colleges, universities, theological institutions and missionary boards	1359	1456, 1478, 1567	1567 1597
126	A bill to organize the supreme court and prescribing certain duties of the judges thereof	1359	1457, 1562	1563
127	A bill to authorize the formation of voluntary associations.....	1429	1510, 1571	1571
127	A bill for the establishment and regulation of county libraries	1429	{ 1510, 1579, 1665 1668, 1675, 2181 }	
128	A bill providing for the election and prescribing certain duties of the clerk of the supreme court.....	1429	1514, 1588	1588
129	A bill providing for the election and prescribing certain duties of county surveyors.....	1429	1515, 2001, 2071	{ 2102, 2145 2204, 2240 }
				2071

BILLS AND JOINT RESOLUTIONS OF THE SENATE—Continued.

2362

<i>Number.</i>	<i>TITLE.</i>	<i>Reported from Senate.</i>	<i>Proceedings before passage.</i>	<i>Passed House.</i>	<i>Other Pro- ceedings.</i>
130	A bill providing for the appointment and prescribing the duties and liabilities of deputies of certain officers...	1429	1514, 1588	1589	
131	A bill touching townships and the boundaries thereof...	1429	1514, 1589		
132	A bill prescribing the manner of compelling officers to give new bonds and additional sureties.....	1429	{ 1514, 1589, 1590 1592	1593	1739, 1740
133	A bill to enable trustees to receive lands and donations and convey the same for the use of schools, churches, religious societies, Masonic and Odd Fellows lodges, Sons and Daughters of Temperance, and for the construction of cemeteries, houses of worship, and other buildings therein mentioned.....	1429	1536, 2080, 2139	2139	
134	A bill to provide for the appointment of a sheriff of the supreme court, prescribing certain of his duties and fees	1429	1516, 1589	1589	
135	A bill to regulate the tolls of grist mills and prescribing certain duties of millers.....	1429	1529, 1590	1590	1737, 1738
136	A bill transferring the duties of county agent to county auditors	1429	1530, 1594	1595	

137	A bill to provide for the appointment and compensation of an attorney for the State in the supreme court...	1429	1530		
138	A bill providing for the election of clerks of circuit courts and prescribing some of their duties.....	1429	1538, 1629	1629	{ 1737, 1798 1875, 1908
139	A bill to provide for the election of county sheriffs and prescribing some of their duties.....	1429	1530, 1537, 1630	1630	1735, 1798, 1846
140	A bill providing for the election, prescribing the duties and fixing the compensation of State Agent..	1429	{ 1543, 2040, 2101 2183	2183	
141	A bill to provide for the election and prescribing certain duties of recorders	1453	1550, 1660, 1743	1741	1799
145	An act to provide for electing electors for President and Vice President of the United States	1453	1551, 1660	1661	
144	A joint resolution in relation to the Indiana Normal University for the education of females	1453	1551, 1660	1660	{ 1737, 1766 1916, 1981
124	A bill to establish and regulate ferries.....	1453	1546, 1628	1629	{ 2214 1683
147	A bill prescribing the manner of empanneling petit jurors, the number and compensation thereof.....	1454	1551, 1661, 1671	1672	
148	A bill touching the laying out and vacating of towns, streets, alleys and public grounds, and the making out and recording plats of such towns.....	1454	{ 1551, 1594, 1677 1702	1703	
152	A bill prescribing certain misdemeanors punishable only by a justice of the peace.....	1454	1551, 1662, 1663	1663	{ 1737, 1798 1874
151	A bill providing for the government of the State University, the management of its funds, and for the disposition of the lands thereof.....	1686	{ 1740, 1754, 1957 1996, 2006, 2017 2186	2187	2194

BILLS AND JOINT RESOLUTIONS OF THE SENATE—Continued.

2364

<i>Number.</i>	<i>TITLE.</i>	<i>Reported from Senate.</i>	<i>Proceedings before passage.</i>	<i>Passed House.</i>	<i>Other Proceedings.</i>
153	A bill providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of the officers connected with the management thereof and of the heirs thereto; and certain forms to be used in such settlement				
157	A bill authorizing the appointment and prescribing the powers of commissioners in other States to take acknowledgment of deeds and other instruments and depositions.....	1729	1741, 1882, 1891, 1927	1930	{ 1985, 1999, 2059, 2069, 2071, 2107
158	A bill declaring the law governing this State.....	1685	1734, 1792	1793	
161	A bill declaring certain persons privileged from arrest in civil cases.....	1685	1734, 1793	1793	
159	A bill touching gaming contracts.....	1685	1741, 1795	1795	
149	A bill for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties	1685	1740, 1794, 2017	2017	2050
			{ 1764, 1808, 1827, 1895, 1896		1896 1945

142	A bill to organize the militia providing for the appointment and prescribing the duties of certain officers thereof.....	1685	1710, 1881, 1958	1958	2043
150	A bill to repeal an act for the relief of Michael Grannin jr., late of Daviess county, approved February 13, 1851.....	1685	1740, 1792	1792	
143	A bill for the incorporation of insurance companies, defining their powers, and prescribing their duties, and in relation to foreign insurances companies and their agents	1685	1754, 2029, 2114, 2142	2143	2170
160	A bill touching the marriage relation and liabilities incident thereto	1686	1740, 1795	1795	
164	A bill to provide for the government and support of the institution for the education of the Deaf and Dumb.....	1735	1767, 1892, 2008, 2053	2064	2060
169	A bill to revise and abridge the rules, practice, pleadings and forms of actions at law and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity	1774	{ 1775, 1830, 1841 1842, 1861	1862	{ 1880, 1920, 2000 2018, 2019, 2021 2025, 2042, 2050 2059
173	A bill for the benefit of Mary Page Reid	1799	1826, 1904		
162	A bill for the prevention of frauds and perjuries, and requiring certain contracts to be in writing, and declaring certain conveyances, assignments, contracts and mortgages void.....	1800	1826, 1894	1894	
156	A bill to amend acts of incorporation for the construction of plank and turnpike roads.....	1800	1893, 1957	1957	

BILLS AND JOINT RESOLUTIONS OF THE SENATE—Continued.

2366

<i>Number.</i>	<i>TITLE.</i>	<i>Reported from Senate.</i>	<i>Proceedings before passage.</i>	<i>Passed House.</i>	<i>Other Proceedings.</i>
170	A joint resolution authorizing the Secretary of State to publish and circulate an act to provide for the incorporation of railroad companies.....	1800	1826, 1847, 1859	1848 1860	1858, 1979
146	A bill to provide for the election and compensation of prosecuting attorneys and their deputies, and prescribing certain of their duties.....	1800	1826, 2004	2006	2032, 2050, 2051
163	A bill authorizing proceedings to try the right of property seized by virtue of any writ of execution or attachment and claimed by any other than the execution or attachment defendant.....	1801	1825, 1894	1895	1945
174	A bill to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State.....	1813	1814, 1864, 1958	1959	2037, 2051, } 2091, 2110 }
178	A bill to establish courts of conciliation, to prescribe rules and proceedings therein, and compensation of judges thereof.....	1910	1974, 2022	2022	2032
182	A bill supplemental to an act entitled "an act to create a special term of the Tippecanoe circuit court....."	1907	1908, 1922	1923	

181	A bill to change the time of holding circuit courts in the county of Jennings.....	1909	974, 1986	1986
176	A bill for the incorporation of cities.....	1915	1988, 2064	2068
185	A bill fixing the salaries of public officers and prescribing the manner of paying the same.....	1993	2027	2090, 2092, 2111 } 2131, 2145, 2146 } 2165
180	A bill containing general provisions in relation to railroad companies	1996	2019, 2100	2100
165	A bill supplemental to an act to provide for the incorporation of railroad companies.....	1996	2018, 2092, 2118, 2212, 2212	2212
187	A bill to change the time of holding the probate court of Dearborn county, and providing for a two weeks' session if the business require it.....	1996	2019	
186	A bill providing for the organization of county boards, and prescribing some of their powers and duties.....	1996	2027, 2081, 2110, 2131, 2149	2150
189	A joint resolution inviting and welcoming Thomas Francis Meagher to the hospitalities of the citizens of Indiana	2032	2110, 2117	2170
183	A bill to repeal an act entitled "an act to incorporate the city of Indianapolis, approved — 26, 1847," and all acts supplementary thereto or amendatory thereof.....	2037	2098	2118
171	An act to authorize the change and relocation of county seats and to point out the rules and restrictions governing such re-location	1997	2165, 2173	
113	A joint resolution in relation to settlements with the State Printer.....	2105	2138, 2151	

BILLS AND JOINT RESOLUTIONS OF THE SENATE—Continued.

<i>Number.</i>	<i>TITLE.</i>	<i>Reported from Senate.</i>	<i>Proceedings before passage.</i>	<i>Passed House.</i>	<i>Other proceedings.</i>
167	A bill concerning licenses to vend foreign merchandise, to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show and legerdemain.....	2105	2138, 2152	2153	
191	A bill to quiet the title to lands granted for the purpose of county seats, and to legalize the sales of any such lands, or any part thereof.....	2105	2139, 2162	2162	
192	A joint resolution to provide for the suspension of certain acts therein mentioned.....	2105	2138, 2198, 2207		
195	A bill to provide that purchasers of real estate forfeited to the sinking fund, who are the legal owners, but who have purchased the State's interest for a sum greater than that due the State, and interest thereon, shall not be compelled to pay the commissioners of the fund the overplus and interest thereon.....	2104	2138, 2164	2165	
197	A bill relative to probate courts.....	2104	2131, 2151	2151	{ 2219, 2241,
105	An act regulating the vending of spirituous liquors.....	2108	2140, 2163	5163	{ 2226, 2276
179	A bill restricting the State for judicial circuits.....	2106	2133, 2155, 2158, 2181	2181	{ 2190, 2193, 2214, 2220, 2222, 2230, 2240
179	A joint resolution in relation to the lands granted by the				

198	United States to the State of Indiana for the use of common schools.....	2144	2163	
199	A bill supplemental to an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State," &c....	2188	2189, 2197	2197
200	A joint resolution in relation to certain duties of the Wabash and Erie canal trustees in reference to the erection of reservoirs in Clay county.....	2188	2198, 2216	2217
165	A bill to provide for the better support and management of the Indiana Institute for the Education of the Blind..	2234	2243, 2253	2254
202	A bill supplemental to an act to provide for the incorporation of railroad companies.....	2238	2243, 2257, 2262, 2270	2270
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Huffstetter, on House bill No. 285	2057
Gibson, on the bills necessary to be passed to complete the revision	2060
Gookins, on Senate bill No. 176	2064
Humphreys, on House bill No. 302	2071
Stuart, on House bill No. 306	2079
Holman, on Senate bill No. 133	2080
Gookins, on Senate bill No. 176	2090
Holman, on Senate bill No. 165	2092
Torbet, on House bill No. 294	2094
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Hicks, on Senate joint resolution No. 113	2151
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Stuart, on Senate bill No. 179	2158
Davis of Sullivan, on House bill No. 312	2164
King, on House bill No. 308	2179
Nelson, on House bill No. 311	2203
Buskirk, on the petition of Joseph Strain and others ..	2222
Hicks, on resolutions, petitions and House bill No. 107 ..	2234
Owen, in relation to clerks of the Revision committee ..	2239
Stover, on Senate bill No. 105	2243
Gunn, in relation to the number of petitions and re- monstrances on the subject of temperance	2257
King, upon the matters alleged in the motion of Mr. Carpenter, relative to the House journal	2261
Holman, on Senate bill No. 165	2262
Smith of Marion, on the petitions for the repeal of the city charter of Indianapolis, and the remonstrance against the same	2267
Owen, from the joint committee to wait on the Gov- ernor	2288

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Stover, on House bill No. 122.....	1157
Stuart, on House bill No. 56.....	1168
Buskirk, on House bill No. 70.....	1533
Gookins, on House bill No. 70.....	1644
McConnell, on Senate bill No. 139.....	1846
Gibson, on House bill No. 199.....	1851
Stover, on Senate bill No. 152.....	1874
Gibson, on House bill No. 260.....	2018
Holman, on Senate bill No. 169.....	2019
Holman, on Senate bill No. 119.....	2031
King, on Senate bill No. 169.....	2041
Holman, on Senate bill No. 118.....	2048
Hudson, on Senate bill No. 153.....	2069
Gookins, on Senate bill No. 174.....	2091
Williams, on Senate bill No. 153.....	2107
Gookins, on Senate bill No. 176.....	2131
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Stover, on Senate bill No. 179.....	2220
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Nelson, on House bill No. 298.....	2239
Bryant, on House bill No. 308.....	2256
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Holman, on House bill No. 294.....	2262
Bryant, on Senate bill No. 105.....	2266

RESOLUTIONS OF THE HOUSE.

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SUBJECT MATTER OF.

	<i>Introduced.</i>	<i>Movers' Names.</i>	<i>Other Proceedings.</i>
Tendering Hall of House to B. K. Maltby.....	1043	Hay of C.	1054
Calling upon State Bank and branches for information	1043	Beeson.	1043
Instructing committee to report a bill with certain provisions.....	1043	Smith of M.	1059
To go into the election of a president-judge for the 6th circuit.....	1059	Gibson.	1067
Tendering Hall of the House to Whig Convention.....	1067	Suit.	1069
To print 3000 additional copies of Mr. Mitchell's address.....	1069	Torbet.	1069
To appoint a committee to wait upon Gov. Kossuth, &c.....	1069	King.	1069
Instructing committee to report a bill regulating the time of holding the circuit courts	1069	Behm.	1069
Calling upon law commissioners for information.....	1092	Linsday of H.	1092
Calling upon Auditor of State for certain information.....	1093	Buskirk.	1093
Relative to business before committees.....	1093	Doughty.	1093
Relative to the death of Hon. Henry Hostetter.....	1098	Bryant.	1098
Relative to a temporary adjournment.....	1096	Carpenter.	1117
Relative to the term of law commissioners.....	1117	Buskirk.	1118
Relative to calling the roll after reading the journal.....	1118	McDowell.	1118
Relative to clerks to the committees.....	1118	Struble.	1119
Directing the clerk to record the titles of all laws passed, &c.....	1119	Gibson.	1119

Relative to the number of judicial circuits.....	1119	Lawrence.	1119
Relative to officers becoming intoxicated.....	1119	Stover.	1120
Relative to members absent more than two days, &c.....	1121	Lewis.	1121
Directing doorkeeper to send for absentees.....	1123	McDowell.	1124
Relative to excluding huckstering within the Hall.....	1143	Douthit.	
On the subject of occupying the floor fifteen minutes only.....	1143	Nelson.	1144
Relative to what laws shall be revised.....	1144	Huffstetter.	
Relative to extending the term of law commissioners.....	1144	Torbet.	
Relative to increasing the labor of the judges.....	1145	Beach.	
Requesting Governor to return House bill No. 165.....	1149	Sumner.	
In relation to the number of temperance petitions, &c.....	1155	Manson.	1155
Calling upon law commissioners to report immediately.....	1158	Gibson.	1158
Calling upon Secretary of State to return House bill No. 56.....	1158	Stuart.	1158
Relative to certain duties of justices of the peace.....	1175	Foster.	1175
Relative to House selecting committee on revision.....	1182	Manson.	1183
Directing clerk to have printed 300 copies of titles of bills.....	1193	Reynolds.	1193
Relative to the Vincennes & New Albany Plankroad company.....	1194	Scudder.	1194
Requesting judiciary committee to report on memorial of citizens of Perry and Spencer.....	1194	Smith of S.	1194
To add one member to the select committee on revision.....	1203	Dobson.	
Directing clerk to inform the Senate of the election of Hon. Wm. H. English speaker, in place of Hon. John W. Davis, resigned.....	1204	Humphreys.	1204
Tendering thanks to Hon. John W. Davis, late speaker.....	1207	Manson.	1207
On dispensing with one member of committee on revision.....	1216	Hanna.	1218
To go into the election of one law commissioner, in place of J. A. Liston...	1218	Kent.	1218
To go into the election of eleven trustees of Indiana University.....	1219	King.	1219
Suspending the call of the roll until after the recess.....	1227	Gibson.	1227
Relative to duties of select joint committee on revision.....	1229	King.	

RESOLUTIONS OF THE HOUSE—Continued.

SUBJECT MATTER OF.			Introduced.		Movers' Names.		Other proceed- ings.	
Relative to temperance petition from a deputation of ladies.....			1232		Doughty.		1232	
Referring all bills but those indefinitely postponed to select joint committee on Revision.....			1232		Williams.		1233	
Directing the State Librarian to ventillate the Hall of the House.....			1233		King.		1234	
To allow the Door-keeper three dollars per day.....			1239		Barker.		1239	
Relative to the duties of sheriff.....			1239		Dobson.		1239	
Directing the joint committee on Revision to meet daily at 9 o'clock, call the roll, publish absentees, &c.....			1241		Douthit.			
To allow John Harrington \$3 per day.....			1245		Smith of Marion.			
To allow John Harrington \$2 per day.....			1245		Manson.		1246	
Relative to the death of Hon. J. W. Holliday, and paying a proper tribute to his memory.....			1253		Nelson.		1253	
Directing the law commissioners to have their report printed.....			1259		Holman.		1265	
Directing the door-keeper to cause a lightning rod to be placed on the State House.....			1266		Gibson.		1266	
That the House meet at 8 o'clock A. M.....			1266		Hanna.		1267	
Authorizing the Speaker to fill vacancies in committees.....			1267		Smith of Marion.		1267	
To publish the members absent without leave during the day.....			1296		Torbet.			

To appoint a committee to ascertain the expenses of conveying the remains of Hon. J. W. Holliday, late Representative from Blackford county.....	1296	Shanklin.	1296
Directing the State Printer to deliver to the clerk of the House the proof sheets of the journal.....	1300	Holman.	1300
Changing the mode of publishing absentees.....	1329	Smith of Marion.	
Directing the committee on Temperance to report a bill similar to the Maine liquor law.....	1343	McDowell.	
Directing that a bill be reported providing for nine judicial circuits.....	1344	Doughty.	1569
Relative to the taxation of lands sold by the State.....	1344	Goudy.	1344
Relative to the death of Hon. Bradford Glazebrook, and paying the proper respect to the memory of the deceased.....	1350	Owen.	1351
On the subject of building levees for the protection of land.....	1356	Hanna.	1356
Directing the Speaker to fill the vacancy in the committee on Printing.....	1380	Hicks.	1380
Relative to the management and the affairs of the State Prison.....	1380	Lewis.	1380
To rescind the resolution directing the publication of absentees.....	1380	Doughty.	1381
Directing committees to report the necessity of continuing clerks in their employment.....	1382	Douthit.	1382
On the subject of draining wet lands.....	1392	McDowell.	1392
Relative to descents.....	1392	King.	
Relative to the the laws regulating the admission of pupils into the Deaf and Dumb Asylum.....	1412	Douthit.	1412
Calling upon the Quartermaster General for certain information relative to the arms belonging to the State.....	1412	Smith of Marion.	1412
Relative to retaining a certain per cent. of State revenue for erecting county buildings.....	1412	Davis of Franklin.	1412
On adjournment.....	1418	Buskirk.	
Inquiring into the salaries paid to the trustees of the Wabash and Erie Canal, and all persons in their employment.....	1433	Miller.	1433

RESOLUTIONS OF THE HOUSE—Continued.

SUBJECT MATTER OF.

	<i>Introduced.</i>	<i>Movers' Names.</i>	<i>Other proceedings.</i>
To consider bills as if in committee of the Whole.....	1447		1447
Relative to allowing mileage to jurors.....	1447	Hay of Clark. Miller.	1447
To appoint a committee to ascertain the expenses of the funeral of the Hon. Bradford Glazebrook.....	1450 1465	Gookins. Holman.	1450 1465
That the journal of the House be bound in two volumes.....	1465	Nelson.	
To enter upon the journal the name of any member moving to adjourn, and the hour when such motion is made.....	1478	Linsday of Howard. Torbet.	1478
Tendering the use of the Hall for a temperance lecture.....	1534	Stanfield.	1535
Requesting the Senate to return House bill No. 59.....	1535	Com. Claims.	1544
Calling on the Adjutant General for information.....	1543	Davis of Franklin.	1621
To make an allowance to A. P. Carroll of Howard county.....	1621		
Relative to the sale of the State's interest in the State bank of Indiana.....			
That the members of the House accompany the remains of Hon. J. W. Hol- liday to the depot.....	1658	Lewis.	1658

To adjourn <i>sine die</i> on the 27th of May.....	1673	Lewis.	1673
That the standing committees report as to the clerks employed by them.....	1674	McDonald.	1674
Requesting the State Mutual Insurance Company to report.....	1674	Behm.	1674
To discharge the clerks of committees	1733	Douthit.	1733
Tendering the use of the Hall to Hon. G. W. Julian.....	1746	Goudy.	1746
To appoint a committee to enquire into the unfinished business.....	1772	Holladay.	
Instructing the committee on Temperance to report the number of petitions for and remonstrances against a stringent temperance law.....	1773	Hays of White.	
Requesting the Senate to return House bill No. 137.....	1773	Sumner.	
Limiting the time of speaking to ten minutes.....	1773	Gunn.	
In relation to the death of Mrs. Louisa Wright.....	1777	Holladay.	1777
Making certain enquiries of the Auditor of State relative to the taxation of lands in certain counties.....	1802	Carpenter.	1802
Directing the door-keeper to employ a mechanic to ventilate the Hall.....	1814	Hudson.	1814
Relative to the exemption of property.....	1848	Gibson.	1848
In relation to the course of Thos. S. Gunn on the temperance question.....	1852	Select committee	1852
Relative to the Speaker signing the accounts of members.....	1875	Williams.	1875
Relative to allowing Hon. David Wallace for services as attorney for the State in the case of the assignees of J. P. Chapman <i>vs.</i> the State	1876	Smith of Marion.	1876
Relative to the mileage of members.....	1877	Foster.	1877
Requesting the "Blakely Family" to sing in the Hall after the adjournment...	1893	Gibson.	1893
That the principal clerk make out a statement of the condition of bills pend- ing in the House	1903	Stanfield.	1903
Requesting the Secretary of State to furnish a copy of a certain act	1904	Gibson.	1905
In relation to the death of Hon. Isaac H. Morris, late Representative from Henry county.....	1953	Holman.	1953

RESOLUTIONS OF THE HOUSE—Continued.

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SUBJECT MATTER OF.

	Introduced.	Movers' Names.	Other proceedings.
Directing the committee on Revision to examine enrolled bills and ascertain whether there are any conflicting provisions, and inquire into the best mode of arranging the laws in the Revised Statutes	1956	English.	1956
Tendering the use of the Hall to the friends of Ireland	1957	Hudson.	1957
That the committee on Ways and Means report the specific appropriation bill on Tuesday.....	1983	Stanfield.	1983
That the House meet at half past 7 o'clock, A. M.	1983	Doughty.	
To stop the leaking of the gas in the State House.....	1996	Geddes.	1996
Directing the State Printer to print extra copies of certain acts.....	1998	Stuart.	1998
That the House meet at 7½ o'clock, A. M.	1998	English.	1998
Directing committees to report on all matters before them by Wednesday...	2016	Stover.	2016
On adjournment	2035	Gookins.	2035
To prohibit members from taking bills from the files.....	2040	Linsday of H.	2040
Requiring the chairmen of the several committees to report the number of days they have employed clerks.....	2081	Shanklin.	2081
To rescind the resolution to adjourn <i>sine die</i> on the 15th, and fixing the time of adjournment on the 21st of June.....	2106	Gibson.	2106

Directing the clerks and the door-keeper to report the names of their assistants, and the number of days each has served.....	2114	Lindsay of H.	2115
To print the amendments to the civil code, and the criminal code of practice, Relative to the House occupied as the office of the Treasurer of State.....	2144	Buskirk.	2145
Directing committee to report a supplemental bill to the act dividing the State into judicial circuits.....	2147	Graham.	
Tendering thanks to the door-keeper and his assistants.....	2148	Stanfield.	
On the subject of a house of refuge.....	2149	Thompson.	2149
Directing the door-keeper to deliver 100 copies of the swamp land law to the Governor.....	2181	Bryant.	2181
That no bill be sent to the Governor for his approval after six o'clock on Friday evening.....	2183	McDonald.	2183
Relative to the mileage of members of the House.....	2183	Davis of S.	2183
Tendering thanks to Hon. Wm. H. English, Speaker.....	2187	Huffstetter.	2187
Tendering thanks to the principal and assistant clerks.....	2208	Hay of C.	2208
Tendering thanks to Messrs. Owen, Gibson and Stover, members of the committee on Revision.....	2210	Smith of S.	2210
Requesting the Senate to return House joint resolution No. 34, and the accompanying message.....	2210	Stuart.	2210
Authorizing a select committee to sit during the session of the House.....	2224	Stover.	2224
That certain officers be entitled to the Revised Statutes, &c.....	2242	King.	2242
Relative to the New Albany and Vincennes road scrip.....	2267	Suit.	2267
Tendering thanks to the law commissioners.....	2269	Owen.	2269
That the clerk cause to be printed the title of bills passed.....	2271	Reynolds.	2271
To appoint a committee to wait on the Governor, and ascertain whether he had any further communication to make.....	2280	Gibson.	2280
To inform the Senate that the House were ready to adjourn <i>sine die</i>	2287	Brady.	2287
	2288	Smith of M.	2288

REYNOLDS, ZIMRI.

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1583, 1722, 1731, 1767, 1772, 1785, 1819, 1850, 1972,	
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SALE, THOMAS C. W.

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SCHOONOVER RUDOLPHUS.

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SMITH, ISAAC (OF MARION.)

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STRUBLE, JOSEPH.

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STOVER, DANIEL C.

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STUART, WILLIAM Z.

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SUMNER, THOMAS.

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